

# IRISH CHURCH TEMPORALITIES COMMISSION.

[32 & 33 VICTORIA, CH. 42.]

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## REPORT

OF

## THE COMMISSIONERS OF CHURCH TEMPORALITIES IN IRELAND,

OF THEIR

PROCEEDINGS FROM THE COMMENCEMENT OF THE COMMISSION  
(26TH JULY, 1869) TO THE 31st DECEMBER, 1874.

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Presented to both Houses of Parliament by Command of Her Majesty.

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1875.

# REPORT

OF THE

## COMMISSIONERS OF CHURCH TEMPORALITIES IN IRELAND.

TO HIS GRACE THE MOST NOBLE JAMES, DUKE OF ABERCORN, K.G.,

LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND, &c.

We, The Commissioners of Church Temporalities in Ireland, beg leave, in pursuance of the sanction of your Grace, and the Lords Commissioners of Her Majesty's Treasury, to submit a Report of the proceedings of the Commission from the commencement of our operations down to the 31st December, 1874, together with such observations, as appear to be necessary, upon the Reports of the Comptroller and Auditor-General, which have been presented to Parliament. See Appendix (Nos. 1, 2, 3, and 4).

The Irish Church Act not having contained the usual direction, that a Report should be presented to Parliament of the proceedings of the Commissioners, we are indebted to your Grace for this opportunity of making an official statement on the subject.

The Irish Church Act received the Royal assent on the 26th day of July, 1869. The Commissioners originally appointed by the Act were Viscount Monck, the Right Honourable James Anthony Lawson, one of the Justices of the Court of Common Pleas in Ireland, and George Alexander Hamilton, Esquire.

On the lamented death of the latter gentleman, on 17th September, 1871, the remaining two Commissioners thought it their duty to intimate to the First Lord of the Treasury that they were prepared to undertake the whole duty of the Commission, and that the appointment of a third Commissioner was unnecessary, if provision could be made for constituting the Court of Appeal.

The Government of the day acted on this view, and the Act 35 & 36 Vic., c. 13, was passed, making the necessary provision for the hearing of appeals.

In pursuance of the second section of that Act, His Honour the Master of the Rolls was appointed member of the Court of Appeal, he having undertaken that duty; and the Commissioners desire to acknowledge the valuable assistance they and the public have derived from his presence.

The first duty which the Commissioners had to discharge after their appointment was to review the establishment at the office of the late Ecclesiastical Commissioners, which had been handed over to them by the Irish Church Act.

For this purpose they obtained from the Treasury the assistance of Messrs. Vine and Foster, by whom, in consultation with the Commissioners, the establishment at Upper Merion-street and the scales of salaries were fixed, and subsequently approved by the Treasury.

A system of receipt and payment was at the same time introduced by Mr. A. J. Phipps, accountant to the Commissioners, by means of which both operations are conducted through the agency of the Bank of Ireland, in a manner that appears to afford complete security, and has been attended, as will be seen hereafter, with great economy.

This system of receipt and payment is favourably noticed by the Comptroller and Auditor-General in his first report to Parliament presented in the year 1871.

In the beginning of 1870, a letter was addressed to the Commissioners by the Comptroller and Auditor-General, dated February 12th, 1870, calling their attention to the provision made in the 37th Section of the Act, for meeting the expense of the audit of their accounts.



In a subsequent letter dated March 3rd, 1870, the Comptroller and Auditor-General intimated an opinion that he ought to be personally remunerated for the additional labour and responsibility cast on him by the Irish Church Act, and suggested that the precedent of the English Ecclesiastical Commissioners should be followed, and that a fixed annual sum should be paid directly to him, leaving him to provide for the expense of the audit.

The Commissioners did not deem it within their proper functions to decide this question, and therefore referred the whole matter to the Treasury, by which department it was ruled that the Comptroller and Auditor-General should undertake the work imposed on him by the Irish Church Act, in his official character and as part of his public duties, and that the Commissioners were to pay every year only the expense actually incurred in the audit of their accounts.

The actual sums paid under this head have been as follows:—

	£	s.	d.
To 31st March, 1871, . . . .	603	18	2
" " 1872, . . . .	1,438	18	2
" " 1873, . . . .	2,072	3	2
" " 1874, . . . .	2,072	7	10
Total, . . . .	46,250	7	4

The correspondence on this subject will be found in the Appendix to this Report.

The Irish Church Act became law, as has been already stated, on 26th July, 1869, but it was provided that the Act should not come into full operation, and that the property of the Church should not vest in the Commissioners until 1st January, 1871.

During the intervening period the Commissioners were charged, under sections 48 and 49, with the entire duties previously performed by the Ecclesiastical Commissioners, with the exception that they were prohibited from originating any works in the way of building new edifices, save in carrying into effect engagements for buildings and repairs entered into by the late Ecclesiastical Commissioners before March, 1869.

Each case of this sort brought before the Commissioners involved a separate investigation, in order to ascertain whether the claim put forward came within the limited powers conferred on the Commissioners by the clauses of the Act already referred to. The number of separate orders made amounts to 4,550, and the duties of this sort ceased, except as to the completion of works previously sanctioned, on 1st January, 1871.

The work of the Commissioners properly connected with the disestablishment and disendowment of the Irish Church may be classified under the following heads:—

- 1st. Ascertaining, and by order declaring, the amount of compensation to be awarded to persons deprived of property or income by the operation of the Act.
- 2nd. Commuting for one fixed payment the compensation so awarded when given by way of annuity, and also the life interest in their lands reserved to the clergy.
- 3rd. Managing until ripe for sale, and disposing of, the property of the Church, of whatever nature, vested in the Commissioners, according to the conditions laid down in the Irish Church Act.

It is proposed to give a short narrative of what has been done up to the present time under each of these heads.

#### No. 1. Awarding Compensation.

The portion of duty in this respect which pressed most on the Commissioners at the commencement of their labours was that of ascertaining the amounts to be awarded in cases where the compensation to be given was by way of annuity.

It was necessary that all such cases should be ascertained and declared before January 1st, 1871, because the right to commute these annuities then accrued, and any delay after that date would diminish the value of the annuitant's life interest.

The successful working of the Act depended upon the establishment of a proper machinery, and an efficient office organization for the investigation of the claims.

A set of general rules and forms of application suitable to the several classes of cases was carefully prepared by the Commissioners, and approved of by the Privy Council on the 21st of October, 1869.

A circular was framed and sent to every incumbent in Ireland and other claimant known, the answers to which verified by a solemn declaration, formed the basis upon

which the Commissioners commenced their investigation as to the amount to be awarded. Claims were in many cases set up for allowances for incidental and occasional charges, which led to a great deal of correspondence, and in many cases to an appeal to the full Court of the three Commissioners. In almost all cases brought before the full Court the appellants appeared by counsel, and in any case which involved an important principle, or which affected any considerable sum of money, the Commissioners thought it their duty to request that the Attorney-General should be also represented, in order that the public interest might not be prejudiced for want of proper advocacy.

The entire number of appeals heard before the Full Court has been 417 up to this time. The result was, that the Commissioners were enabled to ascertain and declare before 1st January, 1871, the annuities which were to be payable to all persons compensated in that way, including not only members of the disestablished Church, but also Non-Conformist ministers in receipt of *Regium Donum* grants.

The total number of annuities awarded was 6,251. There were also awarded gratuities to persons not entitled to annuities in 565 cases.

Claims were disallowed in 1,127 cases.

The compensation provided by the 40th section of the Irish Church Act to certain non-conformist bodies, and to the College of Maynooth, was paid as follows:—Non-conformist Bodies, £90,088 4s. 11d. (paid in 1870); College of Maynooth, £272,331 0s. 6d., (paid in 1871).

The sum of £500,000 in lieu of private endowments was paid to The Representative Church Body, on 1st July, 1871.

Another class of persons to whom compensation for the loss of property was given by the Act was that of the owners of advowsons, and the ascertaining of the amounts proper to be paid in such cases proved a task of great difficulty.

The sale of advowsons in Ireland was so rare that there was no evidence obtainable which could be relied on as showing the market price of such property.

After much anxious consideration and consultation with their actuary, it appeared to the Commissioners the fairest plan to select some typical cases and make a decision on them—from which, if the parties were dissatisfied with the view of the Commissioners, appeal might be had to arbitration.

This course was adopted, and though the arbitrators somewhat surcharged the valuation of the Commissioners, the principles on which that valuation was founded were adopted and upheld by their award.

The proprietors of advowsons were bound to make their claim for compensation within three years after the passing of the Act, that is to say, on or before 26th July, 1872.

Claims were sent in up to that date in 351 cases, and of these 337 have been finally disposed of, and the compensation paid. The delay in finally disposing of the remaining 24 cases arises from legal difficulties connected with the title to the funds. Each of these cases required an investigation of the title of the claimant, and an ascertainment of the person entitled to receive the compensation.

It will be apparent from this statement that the first great branch of the duty of the Commissioners—that of ascertaining and paying the compensation for the loss of property—has been practically completed.

## No. 2. *Commutation.*

On the 1st January, 1871, it was competent to any person to whom an annuity had been awarded to call on the Commissioners to commute his life interest in such annuity for a bulk sum; and the clergy were also authorized to commute in the same manner the life-interests in their lands, which were reserved to them by the Irish Church Act.

The first difficulty which presented itself to the Commissioners in reference to this branch of their duties was the fact that there were in existence no life tables strictly applicable to the case of the clergy.

They, therefore, had tables constructed for this purpose by Mr. A. G. Finlaison, Actuary to The Commissioners for the Reduction of the National Debt, which were approved of by the Privy Council as "The Table for Commutation of Life Interests" on the 30th day of May, 1870. These tables were at first received by the clergy and those who advocated their interests, with a statement that they were unfair in their operation on them, and the opinions of actuaries were obtained by them to that effect. The controversy continued for some months, and at one time it seemed likely that no commutation would take place, and that one of the great objects of the Act would have been defeated.

The Commissioners, however, adhered to their resolution to abide by the tables, and the ultimate result was that commutation took place prior to 1st January, 1873, to an extent which enabled every Diocese in Ireland to obtain the bonus of 12 per cent.,

under the 23rd section of the Irish Church Act, which was conditional on the commutation before that date of three-fourths of the ecclesiastical persons within the Diocese.

The effect of these tables was that on an average 12·8 years' purchase was paid as the commutation value (including 12 per cent. bonus) of the annuities and life-interests of the 3,282 ecclesiastical persons who commuted under the 23rd section of the Act.

The total number of commutations effected was 5,721, and these were completed in the year 1874, leaving only 423 existing annuities uncommuted, of which 303 are annuities to clerks and sextons of a small amount.

Though the whole property of the Church vested in the Commissioners on the 1st January, 1871, in most cases where that property consisted of land, it so vested, subject to the life estates of the then existing incumbents, and as such incumbents were compelled by the Act to commute their life interests in the lands, other than manorial lands, at the same time that they commuted their annuities, it was necessary for the Commissioners to make a very careful examination of the glebe lands and houses in order to ascertain their value for the purpose of commutation. This proved, as might have been expected, a very tedious and laborious process, and greatly delayed in many cases the completion of the commutation operations.

It may be well here to record the fact that these lands came now, for the first time, practically under the cognizance of the Commissioners, and that any mistake in valuation made at this stage of the proceedings would have seriously impeded the Commissioners at every future step they might take in reference to the lands up to the ultimate disposal of them by sale.

It was, therefore, necessary that the utmost care and circumspection should be used.

In an ordinary transaction of the purchase of a life interest in lands, it would have been necessary to have searches made for incumbrances. This course would have led to great expense and delay, and would have rendered it quite impossible to complete the work of commutation within a limited period. The Commissioners, therefore, besides inserting advertisements calling on Incumbrancers to come in and claim, required from each applicant a solemn declaration that there were no incumbrances save those specified. This mode of procedure worked very well, and out of the entire number only two instances have occurred of incumbrances not disclosed to the Commissioners.

While the commutations continued they occupied the whole staff not employed in taking possession of and managing the property as it fell into possession. It is, therefore, obvious that until this operation was completed it was not possible to do much towards accomplishing the ulterior objects of the Commission.

It must also be remembered that as the lands became by commutation vested absolutely in the Commissioners it was necessary, without delay, to have them examined, identified, and the conditions under which they were held ascertained, in order to have them brought to charge in the books of the Commissioners, and to have the rents put in course of collection.

Some idea may be formed of the magnitude and labour of this operation from the statement that the rental of the lands vested in the Commissioners was £325,623, paid by 10,563 tenants, and scattered over the whole of Ireland.

It may be mentioned that at no time since the formation of the Commission have the Commissioners been able to dispense with the necessity of employing many of their officers upon extra duty beyond the ordinary official hours.

Incidental to the commutation of the life interests in the glebe lands, there were several duties which gave rise to tedious and laborious inquiries, and formed an important part of the general work of the Commission.

Many of the glebes were subject to building, drainage, quit-rent, and other charges, all of which required careful investigation before commutation took place, and which at a later period the Commissioners were required to pay off.

The extent of these transactions may be estimated from the fact that the sum paid, or estimated as due in respect of them, amounts to £625,606.

These affairs are now practically completed.

For the purpose of disposing of the Tithe Rent-charge, the Commissioners were empowered to purchase up all leases of tithes granted by Ecclesiastical Persons or Corporations. They have in this way acquired property amounting to £4,600 a year.

The whole of the annuitants, with the small exceptions already noticed, have commuted both for their annuities and their lands. The whole of the lands of the Church have been vested absolutely in the Commissioners, and the second great branch of their duties may therefore be considered to have been brought to a close.

It remains for the Commissioners to state what progress has been made in the third and last division of their work.

*No. 3. The Management and Disposition of the Property of the Church which has vested in the Commissioners.*

The property of the Irish Church consisted of two kinds—first, Tithe Rent-charge; second, Lands.

The Tithe Rent-charge became vested absolutely in the Commissioners on the 1st January, 1871, and the first gale became collectible by them on the 1st May, 1871.

In addition to the other onerous work at that time being performed by the staff of the Commissioners, it was necessary to have prepared on the 1st May, 1871, an accurate rental of the Tithe Rent-charge in order to its collection.

The amount of the Tithe Rent-charge which vested in the Commissioners on 1st January, 1871, was about £404,000 per annum, the number of items on the rental being about 40,000.

The mode of receipt which has been adopted by the Commissioners, and which has proved eminently successful as well as economical, is as follows:—

Immediately after a gale of rent or of tithe rent-charge has accrued due, a calculation is made in the collector's department in the office of the allowances to which the tenants or payers are entitled on account of local charges, &c.

The net sum due by each tenant is thus ascertained, and a "receivable order" for the amount is sent by post to him, authorizing him to lodge the sum due to the credit of the Commissioners at the nearest branch of the Bank of Ireland, or of any other bank in Ireland, or by remittance to the Bank of Ireland, Dublin. These receivable orders are in force only for a limited period, and if not lodged in the bank within that time the defaulters are liable to legal proceedings.

For Form of "Receivable Order" see Appendix (No. 17).

The tenant lodges in bank the amount due, and the receivable order.

The money and the receivable order are transmitted to the central office of the Bank of Ireland, the money being there placed to the credit of the Commissioners' "Cash Account," and the receivable orders forwarded every morning to the office of the Commissioners, where they are entered on the books, have the official receipt stamped upon them, and are returned to the payers. It will thus be seen that the same receivable order constitutes both a demand and a receipt as well as a voucher for the amount lodged in the Bank of Ireland.

The main feature of difference between this receivable order system and that adopted by the Government, consists in the receivable order becoming ultimately the receipt furnished to the payer. This suggestion, together with the proposal to abolish written receipts by the substitution of a stamping machine for the performance of that duty, originated with the Accountant to the Commissioners.

The Commissioners were directed to dispose of the Tithe Rent-charge in one of two modes at the option of the payer—

1. They might sell it for ready money, at a price amounting to twenty-two and a half years' purchase of the sum annually paid, less the amount deducted for Poor Rates on an average of five years.
2. They might convert it into a terminable annuity payable for fifty-two or a less number of years, at the expiration of which time the payments would cease, and the Tithe Rent-charge become merged in the land.

The second mode was based on the supposition that the Commissioners advanced to the Tithe Rent-charge payer the funds necessary to buy his rent-charge at twenty-two and a half years' purchase. At this rate the money advanced would yield about £4 9s. 0d. per cent., but the Commissioners could borrow from the National Debt Commissioners, at the rate of three and a half per cent. The difference between the two rates of interest (about one per cent.) would create a sinking fund, the accumulation of which in fifty-two years would fully discharge the purchase money of the Tithe Rent-charge.

If the Tithe Rent-charge payer takes no step in applying to the Commissioners his Rent-charge continues payable as a permanent charge on his property, and no time is limited in the Act within which it is necessary for the Tithe Rent-charge payer to move in order to get the benefit of its provisions in this respect.

The purchasers for ready money have brought in £263,471, and have extinguished £13,100 per annum of Tithe Rent-charge.

The Tithe Rent-charge converted into terminable annuities amounts to £150,500 per annum, leaving a balance of £245,000 per annum, still payable in perpetuity.

The land of the Church may be classified under three heads :—

1. Ecclesiastical buildings and grave-yards attached to or connected with them.
2. Ecclesiastical residences and mensal lands attached to them.
3. Lands let to tenants either in perpetuity or for limited tenures.

### 1. *Ecclesiastical Buildings and Grave-yards.*

With regard to ecclesiastical buildings used for the celebration of public worship, it was provided by the Irish Church Act that all such buildings in use at the time of the passing of the Act should be vested in The Representative Church Body without any payment, together with any school-houses habitually used in connexion with them. The grave-yards attached to the churches were also to be vested in The Representative Church Body except in cases where the grave-yards were separated from the churches by a carriage highway. In these cases the grave-yards were to be vested in the Boards of Guardians, unless they were situated in private demesnes.

All the churches and grave-yards attached have been vested in The Representative Church Body, and as far as the Commissioners have been able to ascertain them, the grave-yards separated from the churches by a carriage road have been all vested in the Boards of Guardians of the respective unions. The grave-yards situate in private demesnes have been vested in such persons as the Lord Lieutenant in Council directed in each particular instance, pursuant to the 26th section of the Act.

See Appendix (No. 18).

The jurisdiction given to the Commissioners with respect to national monuments by the 25th section (paragraph 1) has been exercised by vesting a certain number of them in the Secretary to the Commissioners of Public Works in Ireland, and a sum of £22,554 has been paid for their maintenance.

### 2. *Ecclesiastical Residences and Mensal Lands.*

By the 27th section, The Representative Church Body was entitled to claim that every ecclesiastical residence which was occupied by a clergyman at the time of the passing of the Act, or within six months previously, should be vested in them, with the garden and curtilage thereof, on the conditions mentioned in that section.

By the next section (28) the Commissioners were authorized, in addition to the residence, garden, and curtilage, to vest in The Representative Church Body such further portion of land as they might consider necessary for the convenient enjoyment of the residence, on such conditions as might be agreed on, or determined by arbitration; and it was provided, that to every such order there should be annexed a map accurately defining the land thereby vested.

It is plain that every provision of each of these sections contains matters which required strict, accurate, and patient local examination; and in practice these inspections gave rise to a most voluminous correspondence with the Commissioners, in which The Representative Church Body, the Incumbents, and the Local Vestries severally took part, and which largely occupied the time and attention of the Commissioners and their staff. It was also necessary to make arrangements for the management and receipt of the profits of these lands in the time that intervened between the vesting of them in the Commissioners, and the completion of the necessary preliminaries for vesting them in The Representative Church Body.

With the view of simplifying the mode of arriving at the price to be paid by The Representative Church Body for the additional land which might be vested in them, the Commissioners put themselves in communication with the Judge of the Landlord Estates Court, who very kindly furnished them with what he considered a fair average of the prices recently obtained for property in each of the four provinces of Ireland.

The Commissioners then proposed to The Representative Church Body that they should pay for their lands the average price of land in Ireland—which appeared to be fair, as the lands to be bought were situated in all parts of the country. This proposal was accepted by The Representative Church Body, and forms the basis on which the value of the lands vested in them was ascertained.

The Commissioners thought it right, where a residue of mensal glebe beyond the portion vested in The Representative Church Body was left, to treat the Incumbent in occupation with reference to such residue as a tenant, and to offer him the privilege of pre-emption in the same manner as they are required by the Act to offer the right of purchase to all tenants holding directly from the Commissioners.

The number of ecclesiastical residences in Ireland claimed by The Representative Church Body is 880. Orders have been made ascertaining the amount of land to be given with each house in 372 cases, and there have been actually vested in The Representative Church



Body 237 glebes. The delay in vesting these glebes in The Representative Church Body has arisen mainly from the necessity of having accurate maps of the land annexed to the houses.

No inconvenience has, however, arisen from this delay, as the houses have throughout continued in the occupation of the Incumbents and the Representative Church Body.

### 3. *Lands let to Tenants either in Perpetuity or for Limited Tenures.*

These Lands are of three classes :

- 1st. Those held in perpetuity.
- 2nd. Those held by renewable leases.
- 3rd. Those held from year to year, or other terminable periods.

With respect to the lands held in perpetuity, the Commissioners were authorized to offer the tenants the right of buying the land rents at twenty-five years' purchase.

The numerous duties which the completion of other portions of their work imposed on the Commissioners and their staff prevented them from offering for sale these rents to the owners as quickly as might have been the case under other circumstances.

They did, however, offer them in two dioceses, and it was found that out of 124 offers only 23 were accepted. It therefore appeared to the Commissioners unwise to delay other and more pressing work for the purpose of continuing these offers when there appeared to be a disinclination on the part of the owners to purchase at the rate fixed in the Irish Church Act. In a financial point of view there was no object in hastening these sales at the cost of the delay of other business, because the Commissioners were paying The Representative Church Body only 3½ per cent. on the money due to them, and the rent of the perpetuities amounted to 4 per cent. on the principal, which would be realized if sales had been effected at the rate fixed in the Act.

These remarks of course apply only to the past, when the staff of the Commissioners was overtaken by the work connected with commutation and the vesting of the glebe-lands, &c.

The perpetuity rents (save in about 60 exceptional cases) were offered to the owners in December, 1874.

The second class of lands with which the Commissioners had to deal were those which are held by renewable leases, and with respect to such lands they were prohibited from offering them for sale to the public until after January 1st, 1874.

The third class of lands vested in the Commissioners is that which is held by yearly and other tenures not renewable.

As these lands became vested in the Commissioners by commutation or otherwise, it was desirable as soon as possible to offer them for sale to the tenants, and every effort was made by the Commissioners to expedite this process, consistent with the completion of the portions of their work, which in point of chronological order preceded this operation, and which have been already described.

Both with regard to this and the preceding class of lands a very heavy responsibility was cast on the Commissioners, in connexion with offering them for sale to the tenants. It was enacted (s. 34) that before offering these lands for sale to the public they were to give notice to the tenant that they were prepared to sell him the fee-simple of the lands "for a price to be named by the Commissioners in the said notice."

In order properly to carry into effect this enactment it is obvious that it was necessary to have a minute examination made of each holding, in order that on the one hand the property of the public might not be sacrificed by having the price fixed too low, or that on the other the policy of the statute might not be defeated by its being placed too high.

When it is considered that the holdings of the third class number 8,432, situated in all parts of Ireland, some idea may be formed of the tediousness and labour of this work.

The number of holdings of tenants, of all classes is as follows :—

Perpetuity . . . . .	1,713
Renewable tenures . . . . .	419
Yearly and other tenures . . . . .	8,432
Total . . . . .	<u>10,563</u>

Offers have been made to the tenants in 6,130 cases (including about 2,000 in which the time limited for accepting the offers had not expired on 31st December, 1874), and 2,267 have accepted the terms proposed by the Commissioners.

The completion of the compensations and commutations has set free a certain number of clerks, who are now employed at the work connected with the sale of the lands, and with the assistance of two additional valuers, whose employment has been lately sanctioned by the Treasury, the Commissioners expect that this branch of their business will proceed at a very rapid rate.

The Commissioners entertain a confident expectation that they will be able, within a short period of time, to complete the offers of the sale of their lands to the tenants holding directly from them. It will have been observed that in a large proportion of instances these offers have been accepted, and this will, no doubt, be also the case in the future; but it is apprehended that the disposal of the unsold residues of these estates will be a very troublesome and tedious process. In conveying his own holding to any occupying tenant, there does not appear to be any objection to performing the process by description, but when it is necessary to sell the undisposed residue to a stranger, it will be essential that the conveyance shall contain an accurate map of the land conveyed by it, and this will involve in every case a new inspection, as the materials for the map cannot be obtained until it is ascertained how the general aspect of the property has been affected by the acceptance or refusal by the tenants of the offers of the right of pre-emption.

From what has been stated it is apparent that the compensations for the loss of property or income have been all ascertained and paid. That, practically, in all cases where compensation for loss of property was given by way of annuity, the annuities have been commuted, and the life interests of the clergy in their lands have been bought up, and that large progress has been made in selling the lands which have by this process become vested absolutely in the Commissioners.

In order to effect these operations the Commissioners have been obliged to use fully the powers of borrowing, which were conferred on them by the 59th and subsequent sections of the Act. They have likewise availed themselves of the right conferred on them by the 53rd section, of postponing partially the payment of their obligations to the Representative Church Body.

The result of these financial operations is, that the Commissioners are, at the date of this report, indebted—

To the Representative Church Body	£360,000
To the Commissioners for Reduction of the National Debt	£9,000,000
Total,	<u>£9,360,000</u>

The debt to the Church Body will, it is expected, be completely discharged on or before 1st January, 1876, and the Commissioners for Reduction of the National Debt will then be the sole creditors of the property vested in the Commissioners.

That property will consist of—

- 1st. The amount of Tithe Rent-charge unconverted into terminable annuities, but liable at any time to be so converted or purchased for ready money.
- 2nd. The terminable annuities into which any portion of the Tithe Rent-charge has been converted.
- 3rd. The terminable annuities into which any portion of the price of land sold may have been converted under the 52nd section.
- 4th. Moneys representing the price of land, and secured by mortgages, under the same section.
- 5th. Moneys, if any, payable by the Representative Church Body in twenty-two years, under the 53rd section.
- 6th. The residue of lands unsold.

It may be here stated that at the beginning of next year the Commissioners expect to be in a position to commence the repayment of the advances which have been made by the National Debt Commissioners, at the rate of at least £300,000 a year.

The valuation which was originally put on the whole property of the Church, and which has been found by experience to be below its real value, was £16,000,000.

The expenditure requisite for carrying into effect the compensating clauses of the Act and other necessary outlay will amount to £11,560,000; it was estimated when the Irish Church Bill was introduced into Parliament at £8,450,000.

This excess of expenditure over the estimate was produced partly by certain changes made in the Bill during its passage through Parliament, after the estimate had been made, and partly by the number of persons entitled to compensation having proved much larger than was anticipated.

The experience which the Commissioners have had of sales of their property of all

sorts warrants them in placing on the entire property (including proceeds of sales already made), a valuation of not less than . . .	£16,740,000
Deducting liabilities and payments already made, . . .	£11,560,000
Probable surplus, . . .	<u>£5,180,000</u>

It only remains to mention the cost up to the present time of the operations of the Commission.

It has been already stated that in addition to the work properly connected with the disestablishment and disendowment of the Church there was imposed on the Commission the duty of managing and collecting the revenues of landed property of the value of £225,622 per annum, and tithe rent-charge to the amount of £404,000 per annum.

The whole of these sums have been, as already described, collected by the ordinary staff of the office without the intervention of local agents or receivers.

The annual receipts (including proceeds of sales of property), and the expenses of the Commission (including legal expenses, costs of claimants establishing claims, and audit, have been respectively as follows :—

See  
Account,  
Appendix  
(No. 30).

Year.	Receipts.	Expenses.
	£	£
1869-70,	213,810	36,333
1871,	517,373	28,280
1872,	742,594	31,112
1873,	1,111,138	30,773
1874,	943,966	32,400
Total, .	3,532,881	152,922

or an average expense of £30,584, being at the rate of  $4\frac{1}{2}$  per cent. on the moneys collected, a sum which would not appear to be an unreasonable payment for that work alone, without allowing any charge for the special duties, for the performance of which the Commission was called into existence.

It will be observed that since the commencement of 1872 (the date when the Church lands became to a great extent vested in the Commissioners) the proportion of expenses to receipts has been much reduced, the average amount of receipts for the last three years being £932,216, and the average amount of expenses for the same period being £31,431, or at the rate of  $3\frac{1}{2}$  per cent. on the moneys collected.

## ACCOUNTS.

The Commissioners, before dealing with and answering the objections taken to their proceedings by the Comptroller and Auditor-General, desire first to express their satisfaction that their accounts have been subjected to such an acute and searching examination.

In the performance of the multifarious and novel duties which were imposed on the Commissioners it was almost inevitable that cases should arise of trifling omission and clerical inaccuracy, and they readily acknowledge the assistance which they have derived from the examination of their accounts by the Comptroller and Auditor-General, in discovering and rectifying any such mistakes. They venture at the same time to think that the infrequency of such cases, and the small amounts involved in them, as shown, are matters highly creditable to the capacity and diligence of their staff.

See Appen-  
dix (No. 19).

The Commissioners wish in the next place to define accurately their views of the relations which, on the true construction of the Acts of Parliament, subsist between them and the Comptroller and Auditor-General.

By the 37th section of the Irish Church Act it is provided that the accounts therein referred to are to be transmitted to the Comptroller and Auditor-General "to be audited, certified, and reported upon, with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and audit of appropriation accounts."

The provisions of the "Exchequer and Audit Act" regulating "appropriation audits" are contained in clauses 21 to 32, inclusive.

They will be found to refer to two classes of accounts—

- 1st. Accounts of payments charged directly on the Consolidated Fund, and specifically appropriated by Act of Parliament.
- 2nd. Accounts of supply grants comprised in the Appropriation Act of each year, the items of which are also specifically appropriated by that Act.

These two classes of accounts the Comptroller and Auditor-General is directed (section 27) to examine with reference to two points—namely,

- 1st. Whether the payments which the accounting department has charged to the grant are supported by vouchers or proofs of payment.
- 2nd. Whether the money expended has been applied to the purpose or purposes for which such grant was intended to provide.

In conducting an analogous audit of the accounts of the Commissioners there could be no difficulty about the first matter of investigation.

The Commissioners were, of course, bound to produce proper vouchers for all payments made by them.

With regard to the second matter of examination it is plain that, in all appropriation audits contemplated by the "Exchequer and Audit Act," Parliament had either by some special Act, or by the General Appropriation Act, specifically fixed the purpose to which each sum of money to be considered, was dedicated.

In the Irish Church Act, on the other hand, with the single exception of £500,000, given in place of private endowments (section 29), there is no special appropriation of any sum of money whatever.

One of the principal duties of the Commissioners was that of "ascertaining and by order declaring" the specific sum which should in each case be applied to each head of service.

The investigations necessary for this purpose involved in some cases questions of law; in some, questions of fact; and in others mixed questions of law and fact.

For the decision of these, amongst other matters, the Commissioners were armed (section 7) with judicial powers, they were authorized to decide all matters of law and fact, and their decisions were made final, except in the two cases provided for, viz. that of appeal to the Three Commissioners, or to Arbitration.

From this statement it appears obvious, that in all cases when the Commissioners are directed to ascertain and by order declare what should be paid, their decisions stand for the purposes of appropriation audit, in the place of the specific appropriations by Parliament, contemplated by the "Exchequer and Audit Act," and that the Comptroller and Auditor-General had no more right in making his audit to question the validity of the decision of the Commissioners as to the amount to be paid than he had to question the specific sum voted by Parliament.

The Treasury, having settled and approved of the form of the accounts, directed that they should be transmitted monthly to the Comptroller and Auditor-General and annually laid by him before Parliament up to the 31st December in each year.

The first account presented to Parliament embraced a period of seventeen months, from the 26th July, 1869, to the 31st December, 1870—it being considered the most convenient course to make that period the subject of the first account, as an account up to the 31st December, 1869, would have been of little practical value.

The Report of the Comptroller and Auditor-General upon that account was presented, and was printed by order of the House of Commons of the 2nd June, 1871. (Parliamentary Paper, No. 264.)

We now proceed to notice seriatim in detail the several observations of the Comptroller and Auditor-General made in that Report, so far as they involve objections raised by him to the accounts.

Parl. Paper,  
1871, No.  
264, p. 12.

### "3. *The Regular Donors.*

"In consequence of the discontinuance of the Parliamentary Grant, compensation, amounting to £20,221 2s. 3d. has been awarded, under the provisions of Section 38, to certain of the non-conforming clergy and their successors in respect of annuities.

"Some of the non-conforming clergy and their assistant successors have, under Section 39, commuted the annuities due to them, and the sum of £127,361 Gs. 3d. has been paid for such commutations.

"It may here be observed, that the provisions of the 39th section of the Act have not been fully complied with as regards some of these payments for commutation.

"This section requires that the trustees appointed to receive the commutation money shall be appointed by the minister, or assistant successor, and the General Assembly, or Synod, or Presbytery, as the case may be.

"These appointments not having been furnished, the attention of the Commissioners has been called to the omission, and they have been requested to obtain the appointments in question, and transmit them to this department.

<sup>a</sup> Under the terms of Section 10, Sub-section 1, compensation has been made to the Widows and Orphan Fund, Synod of Ulster, amounting to £5,124.

<sup>b</sup> A sum of £18,000 8s. 2d. has also been paid by way of compensation to widows' funds under Section 40, Sub-section 3, on account of sums paid by ministers out of their first year's income.

<sup>c</sup> Also, under Section 40, Sub-section 2, a sum of £8,505 6s. 3d. has been paid in compensation of sums derived from "various congregations."

<sup>d</sup> In addition to this charge, it appears from the accounts that there have been claims and allowed, under the same section and sub-section, payments in compensation to the Presbyterian Widows' Fund Association, and to the Trustees of the Reformed Widows' Fund Association, on account of the annual subscription made by individual members to these associations.

<sup>e</sup> As it was not ascertained that these associations had, at any time, received any grant directly or constructively from the British Throne, it appeared to me that the compensation awarded to these associations had not been contemplated by Parliament, as the object of the Act was to compensate those persons or bodies only who had been injured by the withdrawal of the Parliamentary Grant. Accordingly two communications were addressed, under my directions, to the Commissioners (copies of which, together with the replies, are herewith annexed), with a view of ascertaining the grounds upon which these payments had been made, and also whether the facts of the case, as stated by me, were correct.

<sup>f</sup> It will be seen from the replies to these letters that, without dissenting to my statement of the facts, the Commissioners declined to afford any information as regards these payments, on the ground that, by the terms of the 7th section, they are constituted sole and final judges of the construction of the Act both as regards law and fact.

<sup>g</sup> Having regard to the claimants under the Act, the Commissioners have, in the definition they have given of their powers, not doubt correctly interpreted the 7th section. But as, on the other hand, the Comptroller and Auditor-General is expressly required by the 37th section to audit, certify, and report upon the accounts, with reference to the provisions of the Act, and in conformity with the principle which regulate the application of moneys appropriated to specific purposes by Parliament, I feel it a duty incumbent upon me, in considering the advisability of payments stated to be charges against Irish Church Funds in virtue of powers conferred by the Act, to notice the doubts which have suggested themselves as to the legality of the compensations made to the associations in question.

<sup>h</sup> As already observed, the non-seceding clergy have received annuities equal to the yearly amount drawn by them from the Highness Domain without deduction; and, no compensation has also been made to the two widows' funds before mentioned, for subscriptions paid by the clergy out of their own incomes, it follows, if my understanding of the facts and of the intentions of the Legislature is correct, that a double compensation has been made, amounting to £11,450 12s.

<sup>i</sup> Under section 40, sub-section 4, compensation has further been awarded to the clerks of Synods, amounting to £2,131 19s. 4d.; to the trustees of the General Assembly's College at Belfast, in respect of Theological Professors' salaries, incidental expenses, and buildings, sub-sections 5 and 6, £39,375 16s. 3d.; and lastly, to the trustees of the non-seceding associations of Presbyterians, also for the Theological Professors' salaries, £4,300.

<sup>j</sup> As regards the payments of the annuities due to the clerks of Synods, evidence of the appointment of the trustees to whom the money should be paid has not been, as yet, furnished to this department in respect of one of these clerks.

<sup>k</sup> The attention of the Commissioners has likewise been called to this omission, and they have been requested to furnish the necessary evidence.

The first irregularity above alleged is that "The provisions of the 39th section of the Act have not been fully complied with, as regards some of these payments for commutation."

The 39th section of the Act requires, that the Commissioners shall pay the estimated value of the annuity which has been commuted to trustees, such trustees to be appointed by the minister or assistant minister, and the General Assembly or Synod or Presbytery of the Church, or religious community to which he may belong.

The charge made is, that the Commissioners paid over the commutation moneys without having obtained the appointments in question.

A reference to the mode adopted by the Commissioners of ascertaining and paying the commutation moneys, will furnish the best answer to the charge.

The Commissioners, in pursuance of the Act, settled a form in which such applications for commutation, under the 39th section, were to be made. We give one of these forms:—

**"APPLICATION to COMMUTE an Annuity for a Capital Sum, under the 39th Section of THE IRISH CHURCH ACT"**

I, \_\_\_\_\_, Minister of the Congregation of \_\_\_\_\_, in the Presbytery of \_\_\_\_\_, hereby apply to The Commissioners of Church Temporalities in Ireland to Commute for a capital sum the Annuity of £ \_\_\_\_\_, which is secured to me under the 39th Section of The Irish Church Act; and I request that such capital sum may be paid to the following persons, namely:—

who have been appointed Trustees, in pursuance of the 39th Section of the Act, by myself and by the (a) \_\_\_\_\_  
 1, \_\_\_\_\_, further affirm that I am the person entitled to the above-mentioned Annuity; and that the said Annuity is not in any way encumbered. And I also declare that I was \_\_\_\_\_ years of age on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, as verified by the Certificate herewith annexed.

[Signature.]

Address \_\_\_\_\_

(a) General Assembly, or Synod, or Presbytery (as the case may be).

*Declaration before a Magistrate.*

I do solemnly and sincerely declare that the statements made in the foregoing Application are true. And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of an Act made and passed in the 5th and 6th years of the reign of His Majesty King William IV., intitled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extrajudicial Oaths and Affidavits."

Dated this      day of      , 18

Made and subscribed before me this      day of      18

[Signature of Party making Declaration.]

J. P. for the County of

[Signature of Magistrate.]

(b) I hereby certify that the above-mentioned Trustees were appointed, in pursuance of the 39th Section of The Irish Church Act, by the Rev.      and by the

Signature.

Certificate marked (b) to be signed by the Moderator or other officer of the General Assembly, or Synod, or Presbytery (as the case may be), to which the Applicant belongs.

It will be seen from the above form, that in every case the claimant and the General Assembly or Synod, as the case might be, were required to state the names of the trustees to whom the money was to be paid, and to certify that they were duly appointed, and this practice has been followed in every case.

This appears to be a sufficient answer to the charge "that the provisions of the 39th section were not fully complied with," and, indeed, the charge is practically withdrawn in the second report of the Comptroller and Auditor-General.

The next charge in the same paragraph is, that the Commissioners illegally paid compensation to the Presbyterian Widows' Fund Association, and to the Trustees of the Secession Widows' Fund Association.

The Trustees of both these Associations sent in claims for compensation, and furnished evidence in support of their claims. The claims were discussed before the Commissioners, and they decided judicially on the amount of compensation to which they were entitled.

The facts with respect to the claims appeared to be:—

That payments were made directly out of the *Regium Donum* in respect of vacant congregations. As to these no question can arise.

That other payments were made to the widows' associations by the hands of the agents for the distribution of the Royal Bounty, who were appointed in the year 1804. The Commissioners found that, from that time, the successive agents paid out of the Royal Bounty an annual subscription of £3 for each Minister to the funds of the Associations as well as a payment out of his first year's income, deducting those payments from the stipend, so that this was not a voluntary payment by the Minister, but was stopped out of the *Regium Donum* before it reached his hands. The following statement was made to the Commissioners on behalf of the Presbyterian Widows' Fund in their claim, and was substantiated by proof.

"From the commencement of the present century, in the year 1804, when the first appointment was made by the Irish Government of an Agent for the distribution of the Royal Bounty among the Ministers of the Synod of Ulster and Presbytery of Antrim, the annual sums paid to the Widows' Fund of those Bibles have been—1st, the *Regium Donum* of Vacant Congregations—2nd, the first year's *Regium Donum* (without deduction) of new members, and an annual contribution of £3 for every year after the first out of the *Regium Donum* by all Ministers, Members of the Association.

"This arrangement, recognised by successive Administrations from the period just mentioned, until the present time, was uniformly carried out by the Agents appointed by Government. By these Agents, were paid to the Treasurer of the Widows' Fund the several sums accruing, quarterly, from temporary vacancies in Congregations—the first year's income of Ministers derived from the *Regium Donum*, and the annual subscription of £3, which was retained by the Agent, who deducted every three months ten shillings from the *Regium Donum* of each Member.

"I am further to state that quarterly returns, including the foregoing accounts, were, by order of Government, furnished to the Commissioners of Audit by the late Agents, Drs. Cooke and Montgomery, together with the proper vouchers. Receipts for these were given by the Commissioners who retained the original documents.

"From the copies of these accounts furnished quarterly to the Association in the lifetime of the Agents, and the accounts since rendered by the Treasurer, the Returns under paragraphs 2 and 3, sec. 40, of the Irish Church Act, required by the Commissioners, and herewith sent, have been extracted."

Having regard to all these facts, the Commissioners on full consideration decided, that such payments could not be considered as mere voluntary payments made by individual Ministers "of their free will," but were, within the meaning of the Act, sums paid to the Associations out of the *Regium Donum*.

It is quite true that the non-conforming Clergy have received annuities equal to their stipends without deducting these annual stipends, or the payment out of the first year's income, but that is because the Commissioners were not authorized by the Act to make any such deductions, and so far a benefit is conferred upon the clergy, as occurs in many other cases under the Act; but this does not militate against the claim of the Associations to be compensated upon an average of the sums actually received by them, (as specified in the Act), the *Regium Donum*, out of which these payments had been made, having been abolished.

If such be the true construction of the Act (and that was a question exclusively for the Commissioners judicially to decide), although there may have been what the Comptroller and Auditor-General calls "a double compensation, amounting to £11,450 12s.," such compensation was necessarily awarded by the Act of Parliament and not by the Commissioners.

The Commissioners have now stated the main reasons which induced them to hold, that the claimants had made out their case, and that they were entitled to the compensation claimed in respect of these payments. It will be seen by the correspondence attached to the Report of the Comptroller and Auditor-General that, when that officer thought fit to challenge the legality of the Commissioners' order, and to question whether they were to be allowed in their accounts the sum of £11,450 12s., the Commissioners declined to discuss that matter with the Comptroller and Auditor-General, but insisted that he could not go behind their judicial order. To have done otherwise, would have been to admit that the Comptroller and Auditor-General had power to reverse their decision, contrary to the express provision of the Act; and that, if he differed with the Commissioners as to the construction of the law, he had authority to disallow the payment; in other words, to make a Judge, who had decided in favour of a claimant, personally liable to repay the money which the claimant had been paid under his decision, if he was not able to convince an auditor that his decision was right.

"G. Expenditure under Section 49; Repairs of Churches; Church Requisites.

Page 12, &c.

"The Irish Church Temporalities Commissioners have also incurred expenditure in respect of the repairs of churches, church requisites, salaries of clerics, sextons, &c. (being obligations of the late Ecclesiastical Commissions taken over by them), amounting to a total of £103,216 18s. 4d.

Under section 49 of the Irish Church Act the Commissioners were empowered to ascertain and, by order, declare what sums are necessary for repairs of churches.

"These orders have not been furnished, and in various instances the tradesmen's receipts amounting have not been produced.

"In reply to the request for the production of these documents, the Commissioners stated that 'grants for church repairs are, in numerous cases made to the clergymen, and in these cases his certificate that the work has been done is the only voucher required by the Commissioners, as they do not deem it advisable to call on the clergymen to support his statement by tradesmen's receipts.'

"There is, therefore, in the cases referred to, no direct evidence that the tradesmen have been paid the amount due to them, or that the money has been applied in accordance with the terms of the Act.

"These remarks apply to £6,302 13s. 4d., out of the total sum of £46,618 17s. 9d., expended in repairs.

"The observation as to the absence of bills of particulars is also applicable to the expenditure incurred in supplying church requisites.

"In reply to a request that bills of particulars might be furnished, the Commissioners state that 'throughout bills of particulars. The Commissioners, under the 49th section of the Irish Church Act, ascertained by reference to the amounts granted in preceding years, the proper sums to be paid in each case, and by order declared such sums to be necessary, thus granting the amount previously paid in each parish without any special investigation into the expenditure of every case.'

With respect to these observations, it is to be remembered, that they all refer to *ad interim* duties imposed on the Commissioners of Church Temporalities in Ireland in continuation of the work of the Ecclesiastical Commissioners for Ireland, and that they all ceased on 1st January, 1871. So far as they relate to repairs, the Commissioners desire to observe, that the grants in these cases were made to the clergymen, who contracted on behalf of the parishioners for the repairs to be executed; that no sums were paid without an order of the Commissioners; and that in accepting the receipt of the clergymen in such cases, they adopted the practice of the Ecclesiastical Commissioners for Ireland.

With respect to Church Requisites, the Commissioners were required by the 49th section of "The Irish Church Act, 1869," to expend up to the 1st January, 1871, such sums of money as they ascertained and by order declared to be necessary for providing any Church or Chapel with fuel, lighting, or other things requisite for the decent performance of Divine worship, as *heretofore*, in such Church or Chapel.

The custom of the Ecclesiastical Commissioners for Ireland was, to require each clergyman to furnish them annually (pursuant to the 67th section of the 3rd and 4th Wm. IV., cap. 37) with an estimate in detail of such sums of money as were necessary, according to his belief, for providing things necessary for the celebration of Divine service in his Church or Chapel (such estimate being approved of by the Rural Dean and Ordinary); and after investigating the particulars of such estimates, to pay over to such clergyman, without requiring bills of particulars of expenditure, either the sum claimed in the estimate, or such reduced sum as they deemed sufficient.

When, after the passing of "The Irish Church Act, 1869," the Commissioners proceeded to organize their staff, they found that the Ecclesiastical Commissioners had established a special department in their Office for the investigation of estimates for Church requisites; and the correspondence connected therewith (which chiefly related to grants for surplices, coal-boxes, and other Church furniture), required in general the attention of three clerks. Being desirous of utilizing the services of all the officers of the Ecclesiastical Commission as far as possible, the Commissioners devised a plan (in order at once to abolish a special department for Church requisites) to enable them at once to ascertain, and by order declare, the sum that was necessary to provide each Church or Chapel with fuel, lighting, and other Church requisites, between 25th March, 1869 (the date to which the same had been provided for by grants of the Ecclesiastical Commissioners), and 1st January, 1871. They accordingly ascertained, (paying due regard to the practice and regulations of the Ecclesiastical Commissioners, and the estimate furnished by the clergyman of each place of worship before the passing of "The Irish Church Act, 1869,") and by order declared, the sum that was necessary for each Church or Chapel (exclusive of grants specially provided for by contracts made by the Ecclesiastical Commissioners from the 25th of March, 1869, to the 31st of December, 1870), payable in two moieties: the first moiety to defray expenses for the year ending 25th March, 1870, and the second moiety from that date to 31st December, 1870; and, as the Ecclesiastical Commissioners always paid such sums to the clergy (who were personally liable to the tradesmen who supplied the requisites) without requiring bills of particulars to vouch expenditure, the Commissioners did not think it expedient to adopt a different course when paying the amounts ascertained as aforesaid. It may, however, be observed that the receipt of the clergyman for each sum paid has been produced to the Comptroller and Auditor-General.

#### "10. Private Bower's Fund.

"This is a fund left by Archbishop Bower, for the purpose of augmenting small livings, and for other charitable objects.

"By 45 Geo. III., c. 60, it was enacted that small livings in Ireland were to be augmented by grants from this fund; so that the value thereof, together with the augmentation, should not on the whole exceed £100 a year in each case. Although this Act is repealed by the 3 & 4 Will. IV., c. 37, it appears that the restriction as to the amount of the augmentation contained in the Act of Geo. III., is re-enacted by section 61 of 3 & 4 Will. IV., and section 32 of 23 & 24 Vict. c. 150.

"As, however, it was ascertained that many livings had been increased to an amount exceeding the statutory limit of £100 a year, the attention of the Commissioners was called to the subject by a communication from this department, a copy of which, with their reply, is herewith submitted.

"It will be observed from the reply that 'the Commissioners are of opinion, and have so decided, that they have no power to question or review the proceedings or orders of the Ecclesiastical Commissioners, and no bound, in taking the property, to discharge all the demands which attached upon them.'

"It is beyond my province to express any opinion upon the views taken by the Commissioners as to the obligations imposed upon them by the acts of their predecessors.

"As, however, the Act 3 & 4 Will. IV., c. 37, re-enacts the provisions of the Act of Geo. III., as before observed, the payments have apparently been made and continued in contravention of its provisions.

"I have deemed it right to call special attention to the subject, as the payments will probably form the basis of the calculation on which the annuities to the clergy will be paid, or compensation granted; and consequently the surplus of the Irish Church funds will be proportionately affected thereby.

"It appears from the books of the Commissioners that, besides livings of lower value in which the augmentations have been carried beyond the maximum amount fixed by the Act, there are no less than 18 instances in which livings of a clear annual value varying from £100 to £200 are, nevertheless, augmented by sums from this fund."

This paragraph charges the Commissioners with continuing improper payments made by their predecessors, in contravention of the provisions of the Acts referred to, and thereby diminishing the surplus of the Irish Church funds. Two distinct classes of livings had been increased to an amount exceeding the statutory limit of £100 a year. Secondly—"That there are no less than eighteen instances in which livings of a clear annual value varying from £100 to £200, are augmented from this fund."



The Commissioners were much surprised at the allegation, that the Ecclesiastical Commissioners had thus habitually violated the trust reposed in them, but a reference to the Acts of Parliament shows at once that the entire is founded upon a mistaken reading of the Acts.

The 3 & 4 Wm. IV., c. 37, repeals the Act 16 Geo. III., c. 60, which limited the power of augmentation to livings under £100 a year, and the provisions of sections 61 and 93 of that Act now regulate it.

The 61st section directs Boulter's fund "to be applied and disposed of towards the payment of such annual salaries, save as hereinafter excepted, as may have been heretofore granted by the said Trustees and Commissioners of First Fruits to any incumbent, curate, or minister for the augmentation of any benefice, living, or curacy, and towards buying of glebes and augmenting poor livings in Ireland, and to no other purposes, but in the manner, and subject and according to the regulations and directions hereafter mentioned and appointed with respect to the other funds to be applied for such purposes."

In order to find what the regulations and directions hereafter mentioned are, we turn to the 93rd section of the Act, which provides that the Ecclesiastical Commissioners may, out of their surplus funds, augment any benefice, &c., which shall appear to them to be under the clear yearly value of £200, provided that the value of such benefice with the augmentation shall not in the whole exceed the value of £200 a year.

It is quite clear, upon reading these two sections, that the limit of £200 is now the only limit, and applies as well to grants out of the Boulter fund as out of the general funds.

The Comptroller and Auditor General manifestly appears, from his letter of the 23rd March, 1871, printed at page 24 of the appendix to his first report, not to have read that section to the end, for he says: "By the 61st section of 3 and 4 Wm. IV., c. 37, the Boulter fund became vested in the late Ecclesiastical Commissioners, to be applied *inter alia*, as may have been heretofore lawfully granted for the augmentation of poor livings in Ireland." This is an inaccurate paraphrase of the first part of the section, and it omits all reference to the latter words, providing for future grants, and in consequence of that omission he overlooked the regulations mentioned subsequently in the Act, which are contained in the 93rd section.

Therefore, instead of "the restriction contained in the Act of Geo. III. being re-enacted by section 61 of 3 & 4 Wm. IV., c. 37," the restriction is repeated, and a new limit of £200 substituted.

The 23 and 24 Vict., c. 150, sec. 32, is also misapprehended by the Comptroller and Auditor-General. It gives to the Ecclesiastical Commissioners increased power of granting augmentations out of their own funds, but exempts from this the Boulter fund, leaving it to be dealt with entirely under the Act of 3 & 4 Wm. IV., c. 37, and it is incorrect to say that it re-enacts the restriction contained in the Act of 16 Geo. III.

This was the construction of the statutes uniformly acted upon by the Ecclesiastical Commissioners from the beginning. That body always availed itself of the advice of the Attorney and Solicitor General of the day in any case of doubt or difficulty; and after forty years of continuous usage and enjoyment the Commissioners were called upon by the Comptroller and Auditor General, not to include these grants in the annuities to be awarded to their recipients.

Even if the Ecclesiastical Commissioners were mistaken, it is quite clear upon the 11th section of the Irish Church Act, that the Commissioners took the final subject to all existing liabilities, and that they had no power to rescind the grants of the Ecclesiastical Commissioners, but of course it is more satisfactory to find that there is no ground whatever for impeaching the legality of the grants.

The second Account of the Commissioners, being for the year ending December, 1871, was presented to Parliament, and, with the Report of the Comptroller and Auditor-General, was ordered to be printed on the 5th of August, 1872, and we now proceed to notice his observations upon that account.

*"Dividends and Interest of Money.—New Three per Cents.*

"It appeared from the examination of this portion of the account, that dividends had been received on £565 11s. 1d. and £1,128 13s. 2d. which amounts, it was stated, were standing in the books of the Bank of Ireland in the name of the Dean and Chapter of Christ Church.

"In consequence of an inquiry from this department as to the circumstances under which the dividends of this stock were credited to the account of the Irish Church Commissioners, the fact was elicited, as is admitted in a letter from the Register of the Dean and Chapter, that the stock should have been £4,000 1s. 2d. instead of £565 11s. 1d. and £1,128 13s. 2d.

"The attention of the Irish Church Commissioners was consequently called to the matter, and after various communications between the two departments, I have been informed by letter, dated the 5th of June last, that the full amount of the stock, namely, £4,000 1s. 2d., has now been recovered, and transferred to the Commissioners."

Parl. Paper,  
1872, No.  
373, pp. 25,  
21.

The obvious inference suggested by the above paragraph is, that by means of the vigilance of the Comptroller and Auditor-General the attention of the Commissioners was called to a sum of £4,000 1s. 2d. stock, and that otherwise £3,300 of that stock would have been lost by reason of the negligence of the Commissioners.

The following statement will show that there is no foundation for this allegation:—

The Commissioners, so far back as the month of November, 1869, applied to the Dean and Chapter of Christ Church for information as to this stock, and the replies not having been deemed satisfactory, the matter was placed in the hands of Mr. Ball, the solicitor to the Commissioners, to take the necessary steps for its recovery. This had been done before the Comptroller and Auditor-General had made any observations upon it. All this was known to the Comptroller and Auditor-General, for in the reply to his query, dated 12th July, 1871, it was stated—

"This matter has been referred to the solicitor to the department, with instructions to investigate the point raised, and to take the necessary steps for effecting a transfer of the stock vested in the Commissioners."

The Commissioners were much surprised upon reading the paragraph in the Second Report of the Comptroller and Auditor-General, and they addressed a letter to his Secretary, dated the 25th day of October, 1872, in which, after quoting the paragraph in question, they say—

"It appears to the Commissioners that the inference to be drawn from those paragraphs is that the recovery of the stock in this case is attributable to the action of the Comptroller and Auditor-General in the matter, and, in order that this erroneous impression may be corrected, I am directed by the Commissioners to state that their investigation of the subject commenced so far back as November, 1869 (as is shown by the official papers submitted to the Comptroller and Auditor-General for perusal in May, 1871), and that the recovery of the stock from the Dean and Chapter of Christ Church was obtained by proceedings of the Commissioners, which were in no way consequent on inquiries from the Comptroller and Auditor-General, and which had been instituted long before any such inquiries were made.

"The Commissioners request that this subject may be again referred to in the Third Report of the Comptroller and Auditor-General."

The Commissioners received a reply, dated 14th November, 1872, stating that the subject would receive due consideration.

The request, however, of the Commissioners that the matter should be noticed in the Third Report has not been attended to, and, therefore, they embrace this opportunity of clearing themselves from the imputation of negligence.

Page 21, *id.*

"*Globe House Mortgages.*"

"With regard to these mortgages, as observed in my report on the preceding account, the power still obtains of not charging interest on instalments of principal which remain unpaid."

The inference from the above is, that the Commissioners were still continuing an improper practice of not charging interest upon these instalments.

The fact, however, is, that there is no power under the Act to charge interest upon such instalments, and the Comptroller and Auditor-General was apprised of that, as appears by a report of Mr. Ball (the solicitor to the Commissioners), which was sent to him, and which is printed in the Appendix to his First Report at page 16.

"The Commissioners referred this Query and No. 248 to their solicitor, who confirms the views set out in the reply to Query No. 275, as follows:—

"The late Board of Ecclesiastical Commissioners never charged interest on an instalment once it was struck and debited to the instalment. Whether the words of the 20th section of 14 & 15 Vict., c. 73, would enable the mortgagees to enforce interest on such instalments is a legal question, and one that has never been decided or even raised, but in my opinion they would not.

"The plain meaning of the words referred to is, that interest is to be charged to the end of the year closing with the date of the deed, either on the whole or the principal sum (for the first two years), or on so much thereof as remains due on deduction of instalments.

"Take the date of the deed as 1st May, 1868:—On the 1st May, 1869 a year's interest is to be charged on the full sum, and so on the 1st May, 1870, and with this year's interest an instalment is demanded, but not paid until (say) 1st July, 1870. When so paid, interest thereon cannot be required, for, by the Act, interest must be yearly, and must be calculated to 1st May. Neither can interest be required on such instalments for the two months on 1st May, 1871, for, by the Act, the interest then payable is the interest on so much as shall then remain unpaid, and this is after giving credit for the instalment in question.

"It is, therefore, clearly impossible in any way to charge interest on the instalment so struck.

"(Signed) 'JOHN BALL.'"

Page 21, *id.*

"*Globe House Advances repaid, late Board of First Fruits.*"

"It appears that many of the instalments due in repayment of these advances have been allowed to fall into arrears.

"By the terms of section 4, 43rd Geo. III., c. 106, it is provided that interest shall be charged on all such instalments.

"It appears, however, from the following reply to inquiry by this department, that it has not been the practice to give effect to the provision in question.

"The Commissioners, in the collection of these instalments, follow the practice of the First Fruits Commissioners and the Ecclesiastical Commissioners. The records of these bodies from the commencement show that interest was never charged by either of these Boards, although the instalments were frequently in arrear."

The answer to this charge is that the 4th section of 43 George III., c. 105, which provided that the Board of First Fruits should take a loan to His Majesty, conditioned for the payment of the instalments, with legal interest thereon, was repealed by 49 George III., c. 103, sections 1 & 2, and no interest on the arrears is payable.

*"Primate Boulter's Fund."*

Page 21, *id.*

"From an inspection under my instructions of the will of the late Archbishop Boulter, it transpired that the Archbishop directed his trustees to 'invest houses at Drogheda for the widows of poor clergymen that were of the Diocese of Armagh, and to purchase an estate in land of £20 per annum, out of which three shall yearly pay £20 per annum to four such widows' &c., and 'the other £10 per annum be appointed to be a fund towards keeping the said houses in repair.'

"In another part of the will, Dr. Boulter directs his trustees to 'build four houses for the widows of such clergymen as have been curates at least ten years in the Diocese of Armagh, and that an estate of £50 per annum be bought by the said trustees to be equally divided amongst the said four widows, after deducting what is necessary to keep the said houses in repair.'

"Having communicated with the Commissioners on the subject, they state in reply that they 'have no knowledge of such an estate having been purchased. Primate Boulter's Fund, as bequeathed over to the Commissioners, consisted altogether of Government and Bank of Ireland stock, &c., and the income derivable from it has been applied by the Commissioners of Church Temporalities in Ireland to the purposes assigned by the Ecclesiastical Commissioners.'

"From further inquiries which have been made made in Dublin, it seems that the directions of the Archbishop with reference to the purchase of the estates have not been carried out."

This paragraph does not seem to require observation, save that the Commissioners are not responsible for an omission by the original trustees to carry out the directions in Primate Boulter's will. The only result of the inquiries made by the Comptroller and Auditor-General was, that the Commissioners of Charitable Donations claimed compensation for the non-compliance with this direction, and the Commissioners compromised the claim by the payment of £2,500.

*"Interest on Mortgages: Usurious Lenders."*

Page 22, *id.*

"As it appeared that the interest charged on these mortgages had been varied from 5 per cent. to 4 per cent. in certain cases, the Commissioners were requested to refer me to the Act under which this was done. In reply the Commissioners state, 'The rate of interest in all cases of mortgages to secure purchase-money or any part thereof when the Commissioners sell any land, or interest in land, is, in the opinion of Mr. Justice Leeson, fixed by the 52nd section of the Irish Church Act at 5 per cent. By these grants in perpetuity the Commissioners sell the freeholds and interests of the land devised by the laws, to the purchaser, and they are therefore of opinion that he may properly be allowed the benefit of the reduced rate of interest fixed by the Church Act. Perpetuity mortgages are by an Act of Parliament the first charge on land, whereas the mortgages on sales, made directly under the Irish Church Act, are not given that priority. To continue the rate of interest on the former at 5 per cent., when the latter are at 4, appeared to the Commissioners to be unreasonable.'

"It is not to be disputed that where any land or interest in land is sold under the Irish Church Act, 34th section, the rate of interest on mortgages is by the 52nd section fixed at 4 per cent.

"Those conversions or sales, however, were not effected under the 34th section of the Irish Church Act, but under the Act 3 & 4 Will. IV., c. 37, which provides for the conversion of convertible tenures into perpetuities, and by its 105th section fixes the interest on mortgages arising out of such conversions at 5 per cent. The 31st section of the Irish Church Act which refers to this Act simply reserves the right of tenants to convert for three years from 1st January, 1871, and in no way varies or alters its provisions.

"It further appears, that since the passing of the Irish Church Act of 1863, the Irish Church Temporalities Commissioners have accounted some of these mortgages at a fixed interest of 5 per cent., which is duly credited in the accounts, and that in the more recently converted mortgages, the rate of 5 per cent. has been reserved.

"In both these instances, therefore, a rate has been charged which appears to be inconsistent with their agreement that 4 per cent. is the statutory interest.

"In reply to a communication to them by this department, they state that 'in all the mortgages from No. 33 to the end of the account, 5 per cent. is reserved, subject to a reduction to 4 per cent. if paid within 61 days after the sale day.'

"As far as I have been able to discover, there is no clause of the Irish Church Act which sanctions a varying interest.

"Moreover, the Commissioners justify the reduction, on the ground that it would have been unreasonable to maintain the rate at 5 per cent.

"The question, however, I would submit, is not whether the payment is reasonable, or otherwise, but whether the Commissioners have power to alter the terms fixed by an Act of Parliament."

The above paragraph conveys a charge that the Commissioners improperly reduced the rate of interest upon these mortgages to 4 per cent., when they could have obtained 5 per cent., thus diminishing their funds.

This therefore requires some explanation to show that the Commissioners by the course they pursued, instead of diminishing, have greatly increased their funds.

It is to be remembered that the persons who were entitled to purchase these perpetuity grants were holders of renewable leases, and had therefore practically already perpetual interests in their holdings, subject to the payment of the fines on renewal, and that they might ultimately compel the Commissioners to sell the landlord's reversion by public sale, by which means the holdings probably would not have fetched so much as by the mode of selling the perpetuity grant to the tenants adopted by the Commissioners. Every grant of this sort was therefore a clear gain to the fund.

The Commissioners found that, in consequence of a change made by the Ecclesiastical Commissioners in the year 1841, in the mode of calculating the amount to be paid for a grant in perpetuity, the revenue from that source had greatly declined, and that this mode of calculation and the charge of 5 per cent. interest on the mortgage loan had almost practically put an end to the perpetuity grants. The full particulars upon this subject are stated in the Appendix to the Report of the Established Church Commissioners, page 59, &c. The amount received from that source before 1st August, 1844, was £471,244, and since that date only £168,025. These Commissioners in their Report, page 14, recommended an alteration in the mode of calculating the value, and further state—"The rate of interest charged by the Ecclesiastical Commissioners for purchase-money not paid, but secured under statutable power by mortgage, is at present 25 per cent., we recommend that it should be reduced to £4 per cent."

The Irish Church Act, 1869 (section 31), having limited the time for applying for these grants to the 1st January, 1874, it became necessary for the Commissioners to consider the entire subject.

They accordingly, after much deliberation, prepared an order, regulating a new method of calculation, which reduced the amount to such a sum as was likely to induce persons to apply, and obtained the sanction of the Privy Council for such order as the Act required.

This alone would not have been sufficient to induce purchasers, unless the rate of interest were made the same as that payable upon all other mortgages, viz., 4 per cent.

The Commissioners considered that they were empowered to do this by the 32nd Section of the Act, inasmuch as a grant of a perpetuity is, within that Section, a sale of land in pursuance of the Act, being a sale of the fee-simple in consideration of a bulk sum and a yearly rent; but in order to remove any doubt upon the subject they suggested that a declaratory clause should be introduced into the Irish Church Amendment Act (1872), which was done in Section 13 of that Act.

The financial results of this operation are as follows:—Whereas only £168,000 was received by the late Commissioners in twenty-four years, the transactions of the present Commissioners up to 31st December, 1874, amount to £308,678.

"Here may be noticed a payment apparently of doubtful legality. The annuities of the amount disclosed that an annuity had been granted to a clergyman for loss of an endowment. Upon an inquiry made with the view of ascertaining where the receipt of the money forming the endowment had been accounted for, it was replied by the Commissioners that the endowment of the curacy is not vested in them (that is, the Commissioners).

"As, on reference to the 14th section of the Act, it appears to have been the intention of the Legislature to restrict compensation for loss of yearly income to the holders (above the position of curates) of Church preferment, who would be deprived of their emoluments 'by virtue of this Act,' I thought it right to apply for the grounds on which compensation was allowed to the clergyman in question, whose pecuniary interests were affected, not by the passing of the Act, but by the action of a private donor in the exercise of his right to withdraw a voluntary gift. In reply their secretary states that the compensation was awarded under the 15th section.

"According to my judgment, however, the 15th section is not applicable to the case under consideration, inasmuch as while, on the one hand, the 14th section deals with the vested interests of the holders of Church preferments, on the other hand the 15th section was apparently intended to make provision for a different class of ecclesiastical persons, namely, curates who, in the judgment of the Commissioners, were deemed to be either permanent curates, or to hold their curacies under menuboths by a tenure of a temporary character, but receiving their remuneration from Irish Church funds. As, apparently, the clergyman referred to does not come within either of these classes, and as, moreover, he did not derive his emoluments from Irish Church funds, it seems questionable whether he could be compensated for a loss of a private endowment by the Commissioners out of the funds in their hands.

"By the compensation thus granted he is placed contrary, as I conceive, to the intentions of the Legislature, in a position better than he could have occupied had the Act not passed.

"It also appears that the annuities have been granted to curates based on incomes derived from private sources, including salaries which they obtained as chaplains of garrs, workhouses, &c."

The payments referred to in this paragraph as being of "doubtful legality" were all made under orders of the Commissioners, and in most cases after argument by counsel in the full Court.

The Commissioners however gladly avail themselves of an opportunity of stating here the grounds of these decisions, although the cases were publicly reported as they occurred.

The 15th section of the Act is the one regulating compensation to Curates. That section, in contrast with the 14th which deals with Incumbents, requires the Commissioners to ascertain the *grossly income received by the Curate, and pay him an annuity equal to the amount of such grossly income.* In the 14th section, the thing to be ascertained is the yearly income of which he will be deprived by virtue of the Act. The case referred to in the first part of the paragraph was that of a permanent Curate entitled to compensation under the 15th section, and who did not at all come under the 14th section. His salary was made up partly by a payment from his Rector, and partly by a payment from a private source, both together making up the salary which he contracted to receive in respect of the curacy. There could be no doubt therefore as to the yearly income received by him, and the Act says nothing as to his income being derived from Irish Church funds. Very many such cases came before the Commissioners for decision, a familiar one was where part of the Curate's income was paid by the Curates' Aid Society, and the residue by the Rector. Another class of cases, also referred to in the paragraph, was where the Curate's income was £150 a year, £100 paid by the Rector, and the remaining £50 made up by allowing the Curate to be Chaplain to a workhouse or gaol. All these cases were most carefully considered by the Commis- sioners; they were argued on appeal from one Commissioner before the full Court, and the Commissioners held and decided that, where these emoluments went to make up the salary of the Curate, they must be included in calculating his annuity.

The Comptroller and Auditor-General may be at liberty to speculate as to the intentions of the Legislature, but Judges can only arrive at the intention of the Legislature by construing the language used in the Act of Parliament.

The next part of the paragraph is—

"Annoities have been assigned, I have reason to believe, to persons, equivalent to the full value of their livings, augmented by grants from the Boulter Fund, notwithstanding the fact that the sum of £500,000 has been bestowed by Parliament on the Church Representative Body in lieu of this and other private endowments." Page 22, 23.

"The words of the section are, 'without prejudice to any life interest preserved or secured by this Act.'"

"It seems to me that those words were introduced to guard the life interest of those persons who had their livings increased by grants from the Boulter Fund, and these increases were to be charged against the £500,000."

"The following is an illustration of the position adopted:—  
"A clergyman has a living of the value of £80 per annum, which by a grant from the Boulter Fund of £20 is increased to £100 per annum. The compensation in such a case is based on the full value of the living augmented as described, whereas according to my view the annuity should have been taken at the actual value of the living, namely £80 only; the difference being made up out of the special fund granted to the Church Representative Body."

"The effect, therefore, of the greater followed is that a double compensation is made in respect of the amount by which the living is augmented from the Boulter Fund."

These observations are also founded on an entirely erroneous view of the Act of Parliament.

When a living was augmented by a grant from Boulter's Fund, say, as in the case put, from £80 to £100 per annum, in ascertaining the annuity of that Incumbent under the 14th section, it must be taken at £100 a year; for he is deprived of the entire by the Act, by taking away the tithes which produced the £80, and by taking away Boulter's Fund out of which the £20 was paid.

Boulter's Fund was held, notwithstanding a very strong contention to the contrary, and an able argument in the full Court, to pass to the Commissioners under the general words of the 11th section; but that it was so transferred subject to all liabilities affecting the same, one of those being the liability to pay £20 a year to this Rector; and in the 29th section of the Act where the half million is given in lieu of private endowments, it is expressly without prejudice to any life interest preserved or secured by this Act. The construction put by the Comptroller and Auditor-General upon these words, that the increases were to be charged against the £500,000, is manifestly untenable.

However, when such a charge is made against the Commissioners, that they have awarded a double compensation out of the funds intrusted to them to administer, made also in a public document presented to Parliament, which they have had no opportunity of explaining or denying, it is satisfactory to them that the refutation of this charge does not rest on their authority alone.

It happened that this very question came under consideration in an appeal heard by the Master of the Rolls sitting with the present Commissioners. That case is reported, and we give the following extracts from the judgment of the Master of the Rolls:—

"That Act, by its 11th section, vests in the Commissioners 'All property, real and personal, at the date of the passing of the Act, vested in or belonging to the Ecclesiastical Commissioners for Ireland, &c.' Primarily under this section the entire of Butler's Fund vests in the present Commissioners, subject, no doubt, to the liabilities attaching upon the same, which were of a double character, as is well known—ecclesiastical and ecclesiastical."

"Then comes the 12th section, which vests all the property, other than corporeal, free from all claims of ecclesiastical persons, whose rights in respect of such deprivation are compensated by the provisions of the 14th section. Now, the effect of these two sections is to place Butler's Fund entirely under the control of the Commissioners, free from all ecclesiastical claims, save the compensation of life interests. The 29th section throws additional light on this matter. It was well known that benefactions had been from time to time augmented out of this Butler's Fund, which was to vest in the new Commissioners; besides it was well known that benefactors had been from time to time endowed from other private sources; to deal with individual cases of this kind (some of them being of very remote antiquity), and to investigate them would have been a most embarrassing matter; and the Legislature, by the 29th section, seems to have said, let all these private endowments or augmentations go with the public ecclesiastical property, but we will assume a sum in lieu of them which will entail no loss to the endowments or augmentations; and accordingly £500,000 is given in lieu of them, subject to the just provision that the beneficial intentions of the donors are fastened on the substituted sum, an additional advantage being conferred by the obligation on the Commissioners to satisfy the life interests herein."

Mr. Justice Lawson's judgment is in these words:—

"It is very satisfactory to me and to my brother Commissioner that the construction which we have been in the habit of putting upon this statute is now confirmed by the high authority of His Honor the Master of the Rolls. Lord Munk and I have frequently considered this subject, and our conclusion was that under the 11th section of the Act, Butler's Fund vested in us, subject only to the obligation of compensating those who had augmentations out of the fund by the grant of life annuities, and that subject to that obligation the fund vested absolutely in us. On former occasions it was contended before us that Butler's Fund, being vested in the late Ecclesiastical Commissioners, as special trustees, did not pass to us at all, or that if it did pass, it was held in our hands in the continuing trust of applying it in augmentations. That point we overruled after hearing it argued."

"The Comptroller and Auditor-General has thought proper in his Report to Parliament to assume us for compensating the present holders of augmentations, alleging that on the true construction of the statute, such compensation ought to be paid out of the £500,000 provided by the 29th section. There is no foundation for any such opinion, as now shown by the judgment just delivered."

The report of the Comptroller and Auditor-General goes on to say:—

*"Commutation of Annuities."*

Page 24, *id.*

"In the settlement of some communications the gross amount of commutation claims has been reduced by the deduction therefrom of certain amounts due in respect of glebe house mortgages, &c., and the net amount of communications only is entered in the account."

"By this mode of settlement the sums representing the discharged mortgages do not appear in the account, and Parliament is deprived of the means of ascertaining what has been the full amount paid in respect of communications."

"It also appears that the bonus of 12 per cent. allowed by the Act to the Church Representative Body has been calculated not upon the gross, but the net amounts of commutation."

"The commutation and bonus amount to £2,378,315 2s. 10d., of which £1,376,832 6s. 10d. has been paid, and the remaining portion will be paid by instalments, under the terms of the 53rd section, with interest at 5½ per cent. The correspondence which has passed on the subject of commutation will be found in the Appendix." (Appendix No. 4, p. 58.)

This paragraph seems sufficiently answered already by the letters of the Commissioners set out in the Appendix to the Report of the Comptroller and Auditor-General. The Commissioners would only call attention to the singular nature of the complaint—that "the bonus of 12 per cent. has been calculated, not upon the gross, but upon the net amount of commutation."

It is upon the amount paid over to the Representative Church Body that the 12 per cent. bonus is to be calculated, and the effect of adopting the course suggested by the Comptroller and Auditor-General would be to overcharge the funds of the Commissioners with 12 per cent. on the value of the discharged mortgages. The Commissioners think if they had adopted that course they would have been justly open to a charge of making an illegal payment.

The Comptroller and Auditor-General further says:—

Page 24, *id.*

"In order to convey some idea of the very complicated and intricate character of these accounts, and of the variety of the questions, both financial and legal, for the greater part of an entirely different character from those which usually present themselves in the accounts which are sent to this office for review, I may add that nearly 600 communications have been addressed to the Commissioners on subjects in connexion with the account of this year."

The queries referred to ultimately numbered 649; and, in explanation of the cause of this apparently large number of questions, it is only necessary to refer to the unsatisfactory nature of the position (financially speaking), in which the Commissioners have been placed by the Act, with regard to the Exchequer and Audit Department. Under the provisions of the Act, annuities had to be declared, charges on the incomes of incumbents had to be satisfied, and commutation money had to be paid whenever demanded, leaving the Commissioners to recover the revenues of the Church property at a subsequent time. Consequently, the very provisions of the Act have greatly multiplied the duties, not only of the Exchequer and Audit Department, but of the official staff of the Commissioners; for, whenever a difference has arisen between the money realized on collection, and the data which formed the basis of the annuity granted, such difference has not only become the subject of a question before the Exchequer and Audit Department, involving correspondence with the Commissioners, but has resulted in a supplemental transaction in the accounts of the Commission.

The Report upon the accounts of the Commissioners for the year ending 31st December, 1872, contains the following paragraph, which call for explanation and reply:—

*"Tithe Rent-charge—Statement."*

"Before commencing the investigation, however, I considered it my duty to call for the Statement, which, according to the 6th section of an Act that had been recently passed, 35 & 36 Vict., c. 93, had been deposited in the Record Office, under the seal of the Commissioners, of the accounts of the annual Tithe Rent-charges, which were due in respect of each benefice, &c., in Ireland, on 1st November, 1871, and of the owners chargeable therewith."

Fourth Report, Parl. Paper, 1874, No. 253, page 2.

"The production of the Statement in question appeared the more important as by the first sub-section of the same section of the Act it is enacted that the said Statement shall be deemed to be, and shall be conclusive evidence of the amount of the Tithe Rent chargeable upon the lands in respect of which the owners set forth in the said Statement have paid the same, and shall be binding upon the persons liable to the payment of the same."

"In reply to my request, however, the Commissioners informed me that 'the Statement of Tithe Rent-charges is not yet completed, and has not been deposited in the Record Office.'

"It will thus be seen that, owing to some unexplained cause, the provision of the Act in this respect had not been complied with at its passing, notwithstanding the declaration to the contrary in the enactment."

"By the Sub-section 2 of Section 6 of the Act 35 & 36 Vict., c. 93, it is provided that 'the Commissioners shall lodge in the said Record Department, on or before the 31st day of March in each year, a further Statement of any Tithe Rent-charges which may have become payable to them in the preceding year ending 31st December, under Section 33 of the principal Act or otherwise.'

"I therefore ventured to request that I might be informed whether the document referred to had been deposited for the year ending 31st December, 1872. The reply from the Irish Church Commission Office merely states that the Commissioners 'do not think it necessary to supply the information asked for.'

"While referring to this answer, it is to be observed that the National Debt Commissioners have made large advances to the Adventurers, and the tithe rents constitute the greater portion of the security on which the advances have been made."

"It seemed, therefore, especially of importance to ascertain that the requirements of the Act relating to the tithe rent-charges had been fully complied with, and the same so as it appeared that compliance with the provision of the 6th Section had been neglected."

The charge made against the Commissioners is, "that they did not comply with the provisions of the 6th section of the Act."

The Act recites that the Statement had been deposited. This was a mistaken recital of a matter of fact, and the Commissioners are not aware how it occurred, but they are not responsible for it. It is not easy to understand the allegation of the Comptroller and Auditor-General "that the provisions of the Act had not been complied with at its passing," when the charge relates to a matter said to have been done before its passing. It is presumed that as such a Statement was contemplated, the framers of the Bill thought it would be completed before the Bill received the Royal assent. The Commissioners can only say that the Statement, which was a voluminous document requiring great care, was prepared and deposited with as much dispatch as possible.

The Comptroller and Auditor-General attaches great importance to this Statement, and expresses his apprehension that the security of the National Debt Commissioners is imperilled by the fact that it had not been lodged before the Act passed. There are no grounds for any such apprehension. It is made conclusive evidence of the amount of Tithe rent-charge payable out of the land, but it is not conclusive as to the person liable to pay, and was so recently held upon a trial in the Court of Queen's Bench. In any case of contest the applotment books and the deeds regulating the rights of the owners must be referred to, and are not dispensed with by the Act.

The Statements of the additional Tithe rent-charge for the subsequent years have been duly lodged.

Page 8, *id.**\* Receipts—Sales of Property.*

"By Section 52 of the Irish Church Act, it is enacted that on sale of lands the purchasers may be credited with three-fourths of the amount of the purchase-money, this amount either remaining on mortgage bearing interest at 4 per cent., or being repayable by half-yearly instalments not exceeding 64 in number, gradually extinguishing capital and interest. On inspecting these mortgage deeds it was found—

"1st. That many were not executed.

"2nd. That the dates of the gale days were incorrectly inserted in some of them.

"On calling the attention of the Commissioners to this latter circumstance, they replied 'that the gale days appear to have been wrongly inserted in the deeds, but they cannot be altered.'

"Since the receipt of this reply, however, it has been ascertained that in some of these cases the gale days have not been adhered to.

"In another case in which a similar error was brought under the notice of the Commissioners, the reply given was the 'gale days in the deed cannot be altered,' but the books will be altered to correspond with the mortgage deed."

The Commissioners desire to call attention to the gravity of the first charge, not perhaps at first sight apparent—it is that the Commissioners having received one-fourth of the purchase-money in cash, and intending to have, and being bound to have, the remaining three-fourths secured by mortgage, have conveyed the property in consideration of the one-fourth paid in cash, the remaining three-fourths not being either paid or secured. It is difficult to imagine a more serious charge of negligence against the solicitor intrusted with the responsibility of carrying out the details of these purchases.

In reply, the Commissioners deliberately assert that they cannot find a single instance in which they have conveyed property without the entire purchase-money being first paid, or secured in accordance with the terms of the Act; and they have not been able after full inquiry to ascertain that there is a particle of foundation for the statement, that the Comptroller and Auditor-General or his officers ever inspected a mortgage deed that had not been executed, and not only executed, but the execution verified by affidavit.

With respect to a discrepancy between the gale days in the deed and those set down in the books of the Collector, it was unavoidable in such a multiplicity of transactions that some slight variations should occur; but as the deed alone can regulate the gale days, this only involved the correction of the books to correspond with the gale days in the deed, and involved no loss of any kind.

*"Rents; Title rent-charge.*Page 4, *id.*

"On the examination of the title rent-charge, it was found that in numerous instances title rents had not been received for some time.

"The reply to an inquiry on the subject states, 'These rent-charges appear to be less than £1 per annum each. The Commissioners have not taken legal proceedings to enforce payment of such small amounts.'

"Receivable orders have been issued for them, and many have been paid."

The large revenue of the Commissioners, amounting to above £600,000 per annum, has been received by them by means of the system of receivable orders without any expense of agency fees. The accounts show that it has been received with great regularity. Small sums of less than £1 each when not paid have been allowed to be over, as the Commissioners did not desire to incur the expense of legal proceedings for their recovery, until it was found to be unavoidable.

*"Charge on the See of Armagh.*Page 4, *id.*

"It is enacted by Sec. 54, 3 & 4 Will. IV., c. 37, that an annual sum of £4,500 shall be deducted from the revenue of this see. But as it did not appear that this sum or a proportionate part of it had been received, I considered it necessary to call the attention of the Commissioners to the matter. In answer to this inquiry, they stated that 'the balance of charge from 1st July to 31st October, 1871, will be deducted in the ordinary way when the Commissioners are closing accounts with the Primate.' As, however, on subsequent examination, the amount was not found credited, further inquiry was made.

"From the Commissioners' reply, it appears that 'the Primate's appeal against paying the value of the charge on his fees, was heard under the provisions of the 4th section of the Irish Church Act, 1849.' But they decline 'to state the grounds on which their decision of the question was founded.'

"From the nature of the reply, I am unable to report whether the Primate has or has not paid the charge."

The facts respecting this, are as follow:—The Primate claimed before Mr. Justice Lawson, compensation for a proportionate part of the fines received by the Commissioners out of the See of Armagh, for the period between the date of his application to commute and the date of the commutation order. Mr. Justice Lawson rejected that claim, holding that fines were not in their nature apportionable. The Primate appealed from that order to the Full Court, consisting of the Master of the Rolls, Viscount Monck,



and Mr. Justice Lawson, where the matter was argued by counsel for the Primate and for the Crown, whereupon an order was made on the 29th October, 1872, of which the curial part is—

"That the said Appeal do stand dismissed, and that no compensation be paid to the Appellant in respect of any fines which fell due subsequently to the date of the commutation order in this case. And it is further ordered, that no proportion of charge leviable under the 3rd and 4th William IV., chapter 37, be demanded from the Appellant."

The Commissioners stated to the Comptroller and Auditor-General the fact of this order, as their justification for not enforcing the proportionate part of the charge from the Primate, and they did, as they had a right to do, decline to state the grounds of the decision.

*Stock vested in and Transferred to the Credit of the Commissioners.*

Page 5, id.

"In the stock so transferred is the sum of £7,453 5s. 3d., being the amount apparently due in respect of Bishop Evans' Fund.

"As the dividends due from the date of vesting from 1st January to 31st October, 1871, had not been credited in the account, the omission was pointed out, and in reply there was forwarded to my Department an account made up by the Bishop of Meath, under whose control the dividends arising from this stock were applied. As this account did not afford the information necessary to check the correctness of the balance, £500 0s. 5d., paid over to the credit of the Commissioners, a further communication was addressed to them on the subject, and in reply their Secretary was directed to state that 'Mr. Justice Lawson, on the 4th March, 1872, approved of the account rendered by the Bishop of Meath in respect of the fund, and ordered that on payment of the sum of 450 0s. 5d., his liability should cease.' He further adds that they have no further information which they can furnish on the subject.

"Under these circumstances it is impossible to state whether this balance is or is not correct."

This was a fund vested by the will of Bishop Evans, made in the year 1728, in the Primate and the Bishop of Meath, for the purpose of endowing churches in the diocese of Meath. It had been applied by granting annuities by way of augmentations to small incumbents in that diocese. The fund consisted of £7,453 5s. 3d. Government Three per cent. Stock, standing in the names of the trustees, and the dividends upon it, amounting to £223 12s., after deducting income-tax, were allocated in annuities to eight small incumbents. Each of these incumbents, when sending in a claim for his annuity, claimed the amount allocated to him from Bishop Evans' Fund to be added to his annuity. It seemed to Mr. Justice Lawson, when settling the annuities, a very doubtful point whether the fund passed to the Commissioners, and the course he adopted was to give to each clergyman a contingent annuity equal to the amount of this augmentation, to become absolute if Evans' Fund were held to vest in the Commissioners.

A considerable time elapsed before that question came to be decided, and the Bishop of Meath, who always gave to the Commissioners the fullest information, applied to the Commissioners to know whether, pending the decision of this question, he was, to continue to apply the dividends in paying the annuities—

"Archbishop Home, Naxos, October 5th, 1871.

"The Bishop of Meath presents his compliments to the Commissioners of Church Temporalities, and begs to ask whether, pending the legal decision of the case of 'Bishop Evans' Fund,' they will sanction his paying the dividends to those clergymen of his diocese who have hitherto been the recipients of them, and who, he has reason to know, are much distressed by the withholding of this portion of their small incomes.

"In January, 1870, the Bishop was served with a notice on the part of the Commissioners that they claimed the said fund under the provisions of the Irish Church Act. The trustees of the fund (the Lord Primate and himself), were advised that, in the discharge of their trust, they ought not to pay over the fund without a legal decision previously had. The Commissioners have not yet appointed a time for the hearing of the case. Meanwhile, the Bishop of Meath has discontinued paying the grants, to the great inconvenience and distress of the clergymen concerned. The present application is, that without prejudice to himself, the Bishop may be allowed to pay those grants as usual until the case shall have been argued and adjudicated upon.

"To the Commissioners of Church Temporalities."

Inasmuch as it was clear that if the Commissioners obtained the fund they would take it subject to these life annuities, and, therefore, should pay them if the bishop did not, the Commissioners authorized the bishop to apply the fund as he had been doing—

"Irish Church Temporalities Commission,  
6th October, 1871.

"Mr. Lord,

"I am directed by the Commissioners of Church Temporalities in Ireland to acknowledge the receipt of your communication, dated the 5th instant, and to inform you that you are authorized to make the payments to the several clergymen named on the other side, taking receipts, and deducting income tax.

"I am, my Lord, your obedient servant,

(Signed)

"D. GOSLET, Secretary.

"The Right Rev. the Lord Bishop of Meath, Naxos."

## "LIST OF ANNUITIES entitled to PAYMENT out of BISHOP EVANS'S FUND."

"Rev. John Brandon, Castleisland,	£20
"G. M. Dennis, Bunsifflay,	20
"James Forsythe, Portlanna,	14
"Edward Wilson, Killybeggs,	30
"Patrick Smith, Killybeggs,	35
"Gedara Craig, Killybeggs, Tullamore,	35
"George Kirkpatrick, Rathfriland,	35
"J. B. Driscoll, St. Mary's, Douglas,	30

On the 6th April, 1871, Mr. Justice Lawson had made a conditional order that the trustees should transfer the £7,453 *ss.* 3*d.* stock to the credit of the Commissioners.

Cause was shown against that order, and the matter was agreed before the full Court on the 1st February, 1872, by counsel for the trustees and also for the Crown, when the order was made absolute, and the trustees were ordered to transfer the stock, which was accordingly done, and it being necessary to ascertain how much remained in the hands of the trustees on foot of the dividends after all just credits and allowances, that account was referred to Mr. Justice Lawson in Chancery. The bishop furnished a full account of his receipts and disbursements, which was examined and checked by Mr. Justice Lawson. He gave the names of the several annuitants, and the periods up to which he paid them. This was necessary in order to enable the Commissioners to settle with the annuitants; for, by the decision, their contingent annuities became absolute, and the annuitants were entitled to be paid the arrears, after crediting the sums paid to them by the bishop. This was rather a complicated account, but it was accurately adjusted, and the account closed. The stock had been transferred as ordered, and Mr. Justice Lawson on the 3rd April, 1872, made this ruling—"I approve of this account as correct, and on payment of the £50 *ss.* 5*d.* the bishop's liability ceases."

Surely it is peculiarly within the province of a judge of a court of equity to decide how much is due by a trustee after all just credits and allowances, and yet the Comptroller and Auditor-General states to Parliament—"Under these circumstances it is impossible to state whether this balance is or is not correct."

Every document in the possession of the Commissioners was furnished to the Comptroller and Auditor-General, including the statement of the account rendered by the bishop showing the application of the dividends which had been received by him up to the 5th of October, 1871, which contained the names of the annuitants and the annuities paid to them. He had also the printed list of the annuitants which enabled him to check the correctness of the annual payments in each case.

Page 5, *id.*

"From the inspection of Commutation Claim, No. 878, it appeared that stock amounting to £615 1*ss.* 1*d.* was invested in the names of the minister and churchwardens of St. Werburgh's parish.

"As this stock was not traceable in the account, inquiry was made whether such stock had been transferred, and in answer thereto the Commissioners state 'the stock referred to has not been accounted, there being a doubt as to whether it is vested in the Commissioners, and the investigations respecting the same have not as yet been concluded by the solicitor.'

"It further appears from their solicitor's reply on the same subject, under date of 27th March, 1873, that 'the property is still in course of investigation,' which, however, was apparently not completed in October last when the accounts of my Department were in Dublin, and, so far as I am aware, no decision respecting this property has, as yet, been arrived at."

It might be supposed from this paragraph that the Commissioners had compensated the minister of St. Werburgh's for the dividends upon this stock, and had not since taken any action to realise the fund.

This is not the fact. It was not included in the commutation of the minister, as it was considered doubtful whether it could be claimed by the Commissioners. The origin of this fund is involved in great obscurity; the trustees resist the claim of the Commissioners; the solicitor is investigating the matter, and it may probably eventually in a Chancery suit to decide the right.

Page 6, *id.*

## "Building Charges.

"By the terms of the 59th section of the Irish Church Act, it is provided that annuitants who have not accounted, shall receive such building charges as they would have been entitled to had the Act not passed. Under the provisions of the 4th section of 14 & 15 Vict., c. 73, it is enacted, that for incumbents the amount of the building charges shall be fixed by a certificate from the bishop of the diocese.

"By the 7th section of the same Act, it is directed that this certificate shall be entered in the Public Registry of the diocese, and until registered shall have no effect to charge the said benefice; and the execution of the said document, under the hand and seal of the bishop, shall be good in law and equity as evidence of the amount of the charge.

"In one instance, however, neither the certificate nor the execution thereof has been produced; the Commissioners, however, state in explanation, that as the certificate could not be produced they carefully investigated the matter, and being satisfied that the sum claimed was properly due, ordered the same to be paid."

The title to these building charges was in every case carefully investigated by the Commissioners, and an order made either allowing or disallowing the claim, from which order an appeal lay.

In certain of the cases the original certificate was lost, and the Commissioners being satisfied that it had been duly given, received secondary evidence of its contents, as a judge is always at liberty to do.

*"Compensation to Lay Patrons."*

Page 6, id.

"The 18th section prescribes the terms under which lay patrons shall be compensated for the loss of presentation, or nomination, to any ecclesiastical benefice.

"It was observed, however, on the examination of the account, that interest at the rate of 4 per cent. from 26th July, 1869, had been included in the sum of compensation awarded, which payment did not appear to be provided for by this section.

"The Commissioners assign as their reason for the proceeding, 'That no rate of interest was fixed by law.'

"The arbitrators, in a case of appeal to arbitration, fixed the rate at 4 per cent. per annum, adopting the practice in that respect of the Court of Chancery in similar circumstances. The Commissioners having considered the report and award of the arbitrators, decided that the rate of interest fixed by them was fair, and ordered it to be allowed in future."

"The amount paid under this head is £47,333 16s. 8d."

The Irish Church Act having put an end to the power to nominate to a benefice from the 26th July, 1869, the Commissioners held that the value of the advowson was to be calculated as of that date. To have held otherwise, would have been to increase the amount of compensation, since if it had been taken as of the date when the order for payment was made, the incumbent would have been older, and the value of the advowson consequently higher. It follows from that decision, that the patron should be placed in the same position as if the compensation had been paid to him on that day, and therefore was entitled to interest upon the money awarded from the 26th July, 1869. It is true, as the Comptroller and Auditor-General says, that "the payment of interest is not provided for by the section," but it was paid as part of the compensation, which was made up of the value of the advowson as calculated on that date, together with interest in the meantime, until payment. In every case the actuary of the Commissioners calculated the value and added interest at  $3\frac{1}{2}$  per cent. The patron had a right to appeal to arbitration if dissatisfied with the amount awarded—a power which was largely resorted to. In the first case which came before the arbitrators, the entire subject was carefully considered by them. The arbitrators were Dr. Ball (the present Lord Chancellor of Ireland), Judge Longfield, and Mr. May, *q.c.* They laid down the principles on which the compensation should be calculated, and amongst other things decided "that the calculation was to be made at the passing of the Act, and that interest at the rate of 4 per cent. per annum, the rate fixed by the Chancery Rules, was to be paid from that date to the date of payment of compensation."

The Commissioners had no choice but to conform to this ruling, otherwise the patron in any other case could have resorted to arbitration, and after incurring the heavy expense of an arbitration, an award would have been made against the Commissioners.

*"Stamp Duty upon Merging Orders, &c."*

Page 7, id.

"By the 10th section of the 35 & 36 Vict., c. 90, the Commissioners are directed to defray the duty payable on any order made by them in respect of the sale of Tithes-ventidues."

"It was discovered in the course of the examination of the account, that the Commissioners had made the action of this section retrospective, but as the terms of the section did not appear to sanction this course, a communication was addressed to them on the subject.

"The Commissioners state in answer that 'on consideration of the cases of persons who had purchased Tithes-ventidues before the passing of this Act, the Commissioners decided that the 7th section of the Act did apply to such purchasers, and accordingly ordered that the stamp duty which they had paid should be refunded to them.'

"It should, however, be noticed that the last clause of the 7th section, which deals with the poor rate expressly, enacts that the payment of poor rate shall have retrospective effect, whereas the 10th section under which these duties are payable is wholly silent on this subject.

"It was further ascertained that the stamp duty had been paid on orders vesting Ecclesiastical residences in the Church Representative Body.

"As there appeared to be no statutory authority for the payment, the Commissioners were requested to state under what power such payment had been made.

"The Commissioners have answered this inquiry by a statement to the effect—

"That 'the stamp duties on orders vesting Ecclesiastical residences are payable under the 35th section of the Irish Church Act, 1869.'

"The Commissioners having decided that inasmuch as the 27th and 28th sections of that Act require them to vest by an order in the Representative Church Body at a certain price, they are bound to do so, and to furnish that body with a legal vesting order properly stamped at the expense of the Commissioners.' Upon this statement it may be observed that 27th and 28th sections of the Irish Church Act determine the conditions and terms under which Ecclesiastical residences and lands shall be conveyed to the Representative Church Body, but do not provide for the payment of the stamp duty.

"The 36th section enacts that every order of the Commissioners operating as a conveyance on mortgage of any property shall be deemed to be a conveyance on mortgage within the meaning of the Act relating to stamps, and shall be chargeable with stamp duty accordingly.

"As, however, these sections make no express provision for the payment of the stamp duty by the Commissioners, the legality of the course pursued appears to be open to question.

"If the argument that because the Commissioners are bound to vest these residences and lands at a certain price is sound in principle, it would follow that the stamp duty should also have been paid on the sale of the remittance, in order that it might vest in the purchaser at the price fixed by the Act.

"Such, however, was not the case until the Act 35 & 36 Vict., c. 10, s. 10, was passed, by which such payments were legalised."

The Comptroller and Auditor-General here criticises the construction put by the Commissioners upon the statute with respect to the payment of stamp duty on mortgaging and vesting orders. The Commissioners decided both points deliberately in accordance with their view of the true construction of the Act, and it is submitted that such decision should have been sufficient for the Comptroller and Auditor-General.

Page 7, *id.*

*\* Expenses of the Commission. Legal Branch.*

"As it appeared that the Commissioners' solicitor, who is a salaried officer of the department, received fees for the preparation of mortgages and other deeds, and also the costs incurred in collecting arrears of rent due to the Commission, and that moreover such arrears were not paid at once into the Bank of Ireland, but were lodged to his credit at his own bank."

The Commissioners have already replied to the serious charge brought against them and Mr. Ball their solicitor, with respect to the omission to have mortgage deeds executed.

The above paragraph suggests—

1st. That Mr. Ball was in the habit of receiving fees and costs, to which he was not entitled.

2nd. That he improperly lodged moneys of the Commissioners to his own credit with his Banker.

With respect to the first charge, it will be seen by the Treasury letter of the 25th November, 1872, printed at page 22 in the Appendix to that Report, terminating the correspondence on that subject, that the receipt by Mr. Ball of the costs and fees referred to, is sanctioned. It is therefore deemed unnecessary to refer further to that subject.

With respect to the second charge, "that arrears of rent received by Mr. Ball were not paid at once into the Bank of Ireland, but were lodged to his credit at his own bank," the course of business, was that Mr. Ball received the remittances sent to him by the person to whom he applied for payment; and he ascertained that they were correct in respect of deductions, &c. When any law costs payable to himself for taking proceedings were included in the amount, he retained them, and settled his account with the Commissioners, weekly. This they consider a very safe and reasonable arrangement; but they are still in communication with the Lords Commissioners of the Treasury upon this subject, and have proposed a plan to meet the objection raised as to allowing Mr. Ball to retain moneys even for a week.

With respect to the suggestion that Mr. Ball makes interest upon these moneys, it is entirely without foundation; and the Commissioners, in justice to that gentleman (of whose character, conduct, and professional efficiency, they desire to express their entire approval), desire to call attention to the manner in which this charge is made.

A query of the Comptroller and Auditor-General is printed in the Appendix to the Report, at page 10, in which, amongst other questions, there occurs, "Whether interest has been received by Mr. Ball on the amount so lodged?" This part of the query is not answered. The Comptroller and Auditor-General instead of calling the attention of the Commissioners to the omission to answer this part of the query, writes to the Treasury a letter of the 7th February, 1873 (also printed in the Appendix), in which he invites their Lordships' attention to the circumstance, that certain parts set out in query No. 8 have not been replied to.

The Treasury then write to the Commissioners on 27th February, 1873, asking for a reply, and on the 3rd March, 1873, Mr. Godley, the Secretary of the Commissioners, writes to the Treasury, stating, as the fact was, "no interest on money belonging to the Commissioners has been received by Mr. Ball." This letter is not printed in the Appendix to the Report of the Comptroller and Auditor-General. The inference

Page 11, *id.*

which any person would draw from reading the document would be that the charge was unanswered, and was therefore admitted to be true.

The Commissioners have carefully examined into the matter; Mr. Ball submitted his bank books for inspection, and they have satisfied themselves that neither directly nor indirectly has Mr. Ball received interest or in any way made profit by the money of the Commissioners.

The Comptroller and Auditor-General further observes:—

"From a Minute annexed to this Report, signed by the Legal Member of the Church Commission, it will be seen that some difference of opinion has occurred as to the principles on which the account should be audited, notwithstanding the 37th section of the Act, which provides that the account shall be 'audited, certified, and reported upon with reference to the provisions of this Act.' Page 8, 4d.

"According to the views set forth in the Minute, it appears to be thought sufficient as regards payments made, that a Commissioner's order, and the receipt of the person to whom the money has been paid, should be accepted as satisfactory for all purposes of audit.

"If this mode of audit had been adopted several erroneous payments would not have been detected, as, for example, in one case, an over-payment of £213 1s. 8d., which has been subsequently recovered, would have passed without notice."

The Minute referred to insists that when the Commissioners have judicially decided a question, or taken and settled an account, the Auditor should not go behind that decision or re-open that account. A reference to the Minute and the cases referred to in it, will at once show that such is its meaning. This is what the Commissioners have throughout insisted upon, and not as the Auditor-General suggests, that "an order and the receipt of the person to whom the money has been paid should be accepted as satisfactory for all purposes of audit," language not to be found in the Minute, nor to be fairly inferred from it.

The Comptroller and Auditor-General then goes on to say, "If this mode of audit had been adopted several erroneous payments would not have been detected; as, for example, in one case an over-payment of £213 1s. 8d., which has been subsequently recovered, would have passed without notice."

The Commissioners cannot deal with the general allegation as to "several erroneous payments," none such being specified; but the particular instance given illustrates very well the true function of the Comptroller and Auditor-General. A claim was made on foot of a building charge; the evidence in support of it was furnished and deemed satisfactory; and an order made declaring £426 3s. 4d. to be due on foot of it. Now this order is one which the Auditor-General would have no right to question, according to the view of the Commissioners, it being a decision upon a legal liability. The mistake which was made by the officers of the Commission in carrying out that order was one peculiarly within the province of the Auditor-General to check and discover, and he most properly did so. The mistake occurred thus—the charge was payable in two instalments, and in September, 1870, half the amount was paid, viz., £213 1s. 8d. In the month of October, 1871, an order for payment of £426 3s. 4d. was made by the Commissioners, the fact of the payment of September, 1870, not having been before them, and thus the mistake occurred. The Comptroller and Auditor-General having before him the voucher for the former payment, at once pointed it out, and the money was recovered. No principle ever insisted upon by the Commissioners could have interfered with the Comptroller and Auditor-General in checking the propriety of this payment.

*"Inspection of Commutation Claims."*

Page 8, 4d.

"An objection is also taken to the inspection of the commutation claims, apparently under the impression that it was intended to question the correctness of the amounts paid for commutation.

"The sole object, however, of the inspection of these claims was to ascertain that the whole of the property surrendered was included in the rentals; and that this investigation was necessary will be apparent from the fact that, besides many minor errors which have been adjusted, it was found that ninety-six rents, involving an annual receipt of £1,393 17s. 3d., had been omitted from the rental."

The Commissioners never objected to the inspection of the Commutation claims by the Auditor-General for the purpose of comparing the property there stated with the land rental, he was allowed the fullest access to them; the only matter which the Commissioners objected to was, the contention of the Auditor-General, that whenever a slight discrepancy appeared between the claim and the rental, the Commissioners were bound to recover the capitalized value of this difference (being in one case 7d.), and for that purpose to rescind the Commutation order and re-open the entire case. Whenever any substantial discrepancy appeared, arising from misrepresentation, or from inadvertence, the Commissioners did not hesitate to make an order for the repayment of such part of the Commutation money.

With respect to the statement that "ninety-six rents, involving an annual receipt of £1,363 17s. 5d., had been omitted from the Rental."

The Commissioners, on seeing this paragraph, called upon the Comptroller and Auditor-General for the particulars of the rents referred to, and on receipt of that information required an explanation from the officer in charge of the Collection Department. That officer's report, which was transmitted to the Comptroller and Auditor-General on the 31st July, 1874, is as follows:—

"The Comptroller and Auditor-General usually requires from the Commissioners two Rentals of Landed Property in each year.

"1st. A *Charge Rental*, which is a schedule of all lands vested within the year, setting forth the Townlands, Tenants' names, Annual Rents, and the date of vesting. If held by Lease or Deed, the particulars of these documents are given.

"2nd. A *Collection Rental*, showing the Tenants' names, the Annual Rent, the Arrears at the commencement of the year, the amount receivable, and the amount received within the year, and the Arrears outstanding at the close of the year.

"It follows as a matter of course, that no property should appear in this rental from which rent was not receivable within the year.

"The greater portion of the Globe Lands held by yearly Tenants, vested in the Commissioners by commutation in the year 1872, and the vesting of these properties was proceeding from day to day up to the 31st December.

"I proposed to the Auditors to dispense with part of the Charge Rental for that year, and to take, for purposes of audit, the Collection Rental as a charge Rental for 1872, as regarded Yearly Tenants, and those holding by Lease at rack rents, on my adding the names of the Townlands, which are not usually given in the Collection Rental.

"To this proposal, which effected a great saving of time and money, I obtained a ready assent, and the Rental was finished in July, 1873.

"The Auditors in October, 1873, when verifying this Rental with the commutation Rentals, informed me that several properties which they named had been omitted. On investigation, it appeared that these properties had (with three exceptions, as to which a special explanation was given to the Auditors) vested after the last gale day in 1872, and there not being any Rent collectible within that year, they were of course omitted from the Collection Rental which, for this exceptional year, was the document on which the Auditors by consent, as already stated, based their report.

"Under these circumstances I gave a supplemental Rental of these particular properties, the aggregate amount of which is £1,363 17s. 5d.

"The paragraph in the Auditor-General's Report referring to these Rents appears to imply, that had the Rentals not been investigated by the Audit Office, these ninety-six items would have been omitted, and the Rents left undimmed.

"That this inference is erroneous, will be apparent from the following facts, which the entries in the Books of the Commissioners will verify:—

"1st. These properties (with the three exceptions already mentioned and explained) were entered on the Office Charge Books early in 1873.

"2nd. Receivable Orders for the half-yearly Rents due in March and May, 1873 (being the first gales receivable by the Commissioners), were issued to the Tenants on the 1st of August, 1873.

"3rd. Many of these Receivable Orders were credited on the Commissioners' Cash Account at the Bank of Ireland in August and September, 1873.

"4th. The Auditor-General did not raise any question as to these Rents until October, 1873."

The Commissioners submit that this Report furnishes a satisfactory answer to the charge; and proves that what occurred was an excusable oversight in the return made to the Comptroller and Auditor-General, which was set right immediately that attention was called to it, and which would have exercised no influence whatever on the funds of the Commission, even if the oversight had never been noticed by the Comptroller and Auditor-General.

## COST OF AUDIT.

The total sum paid for auditing the accounts of the Commission up to 31st March, 1874, has already been stated to be £6,250 7s. 4d.

This charge is not the subject of any audit, so far as the Commissioners are aware, and they have been directed by the Lords Commissioners of the Treasury to pay the amount demanded.

It must be explained that this charge covers only the duty of examination in the Exchequer and Audit Department; and the travelling and subsistence expenses of such examiners as the Comptroller and Auditor-General has instructed, from time to time, to attend personally in Dublin.

If the cost of preparing the accounts in the office of the Commissioners, together with that of conducting the voluminous correspondence that has arisen between the two

departments were added, the actual expense attendant upon the audit of the accounts would be largely increased in amount.

This great and disproportionate cost would appear chiefly to arise from the mode of conducting the audit which has been adopted. Although the Commissioners keep their books of account with perfect regularity, and all transactions appear by double entry, the Examiners never audit these books; they require all the items to be transcribed again on schedules and sent to the office in London, with the vouchers to establish each item. Then voluminous questions are transmitted to which written replies are given, and the time of a great number of the officers is taken up in conducting this system of transcribing, and corresponding. An inspection of the books in the office with a production of the proper vouchers on the spot, where any question could be at once answered, would appear to be a more reasonable mode of conducting the audit.

The account of the Commissioners up to the 31st December, 1874, will be found in the Appendix. See Appendix (No. 20).

(Signed),

MONCK,

JAMES ANTHONY LAWSON,

} *Commissioners of*  
} *Church Temporalities*  
} *in Ireland.*

24, UPPER MERRION-STREET, DUBLIN,  
30th January, 1875.





## APPENDIX.

(No. 1.)

Irish Church Temporalities Commission,  
24, Upper Merion-street, Dublin,  
October 2nd, 1874.

Sir,

The Commissioners of Church Temporalities in Ireland observed during the last session of Parliament that the accounts of their receipts and expenditure, prepared under the provisions of the 37th section of "The Irish Church Act, 1869," together with the Comptroller and Auditor-General's reports on these accounts, were frequently subjects of discussion in the House of Commons.

Comments based on statements in the Comptroller's reports were made in the House on the proceedings of the Commissioners, which they cannot but think would not have been made if an opportunity had been afforded to them to reply to those statements, and to correct the inferences which were drawn from them.

No provision having been inserted in "The Irish Church Act, 1869," for the preparation and presentation to Parliament of any report from the Commissioners showing the manner in which they were administering the property vested in them, and the progress made in disposing of it, members of Parliament would naturally form their estimate of the mode in which the Commissioners were discharging their various and important duties from the only documents relating to the matter which were accessible to them, namely, the reports of the Comptroller and Auditor-General.

With respect to these reports the Commissioners will only remark that they are calculated to produce on many points very erroneous impressions. Serious charges against the Commissioners are made in them, either directly or by implication, to which charges the Commissioners have had no means of replying publicly.

On all matters connected with their accounts, and with the administration of their property, the Commissioners court the fullest inquiry, and no mode of obtaining a satisfactory investigation of the questions raised by the Comptroller and Auditor-General appears to be open to them, except that suggested in Parliament by the Chancellor of the Exchequer, viz.:—That their accounts, the reports thereon of the Comptroller and Auditor-General, together with copies of all correspondence between themselves and him from the commencement of the Commission should be submitted to the Standing Committee on Public Accounts of the House of Commons.

The Commissioners are very anxious accordingly for an investigation of their affairs by that Committee, and they will feel themselves much indebted to you if you will take the necessary steps to obtain it for them as soon as Parliament shall have met.

I have the honor to be, Sir, your obedient servant,  
(Signed), DEWIS GOSWELL.

The Right Honorable  
The Chief Secretary for Ireland.

(No. 2.)

15,945.

Dublin Castle,

27th November, 1874.

Sir,

With reference to your letter of the 2nd ultimo, relative to the accounts of receipts and expenditure of the Irish Church Temporalities Commissioners prepared under the provisions of the 37th section of "The Irish Church Act, 1869," I am directed by the Lord Lieutenant to transmit to you, to be laid before the Commissioners, the accompanying copy of a letter on the subject from the Lords Commissioners of Her Majesty's Treasury, and I am to request that you will move them to favour me, for His Grace's information, with their observations thereon.

And with reference to the second portion of their Lordship's letter, I am to request that you will state whether, in the opinion of the Commissioners, the best mode of giving accurate information on the subject, would not be the preparation of a report for presentation to Parliament at the commencement of next session, giving a full account of their proceedings up to as late a date as possible; and if so, up to what date such information could be given.

I am, Sir, your obedient servant,

(Signed), T. H. BAKER.

The Secretary,  
Church Temporalities Commission,  
24, Upper Merion-street.

(No. 3.)

Treasury Chambers,

19th November, 1874.

Sir,

With reference to your letter of the 15th ultimo, I am directed by the Lords Commissioners of Her Majesty's Treasury to state, for the information of His Excellency the Lord Lieutenant, that it has been decided to refer annually the report of the Comptroller and Auditor-General on the accounts of the Irish Church Temporalities Commission to the Committee of the House of Commons on Public Accounts, and that during the inquiry of the Committee every opportunity will be given to the Commissioners to explain the reasons for the errors which they have adopted with regard to their receipts and expenditure.

I am to add that there can be no objection to the Irish Government laying before Parliament a report of the Church Commissioners themselves, if such should be the wish of the Commissioners, and that report, so far as it has reference to the accounts upon which the Comptroller and Auditor-General has reported, might properly be communicated to the Committee on Public Accounts.

I am, Sir, your obedient servant,

(Signed) WILLIAM LAW.

The Chief Secretary for Ireland.

(No. 4.)

Irish Church Temporalities Commission,  
24, Upper Merion-street, Dublin,  
2nd December, 1874.

Sir,

I am directed by the Commissioners of Church Temporalities in Ireland to acknowledge the receipt of your communication of the 27th ultimo, enclosing a copy of a letter from the Lords Commissioners of Her Majesty's Treasury.

The Commissioners heart with satisfaction that an opportunity will be afforded to them of giving full explanations to the Committee of the House of Commons on all points of their accounts.

The Commissioners desire further to state that they embrace most willingly the proposal contained in your letter, that they should prepare a report for presentation to Parliament which shall give a complete narrative of all their proceedings since the passing of "The Irish Church Act, 1869," and I am desired to add that their report will include such a special reference to the questions which have arisen with regard to their accounts between themselves and the Comptroller and Auditor-General, as may properly come under the notice of the Committee of the House of Commons.

The information given in the report will be up to the end of the present year.

I am, Sir, your obedient servant,

(Signed) DEWIS GOSWELL.

The Under Secretary,  
Dublin Castle.

(No. 5.)

Exchequer and Audit Department,  
Pembroke House, London,

12th February, 1870.

MY LORD AND GENTLEMEN,

On the 2nd of December last I had the honour of acknowledging the receipt of the first monthly account of the receipt and expenditure of the Commissioners, transmitted to me in pursuance of the 37th section of the Act 32 & 33 Vic., c. 42, by which the head of this department, for the time being, was appointed by Parliament the auditor of the annual accounts relating to the disestablishment of the Irish Church.

Since then three subsequent monthly accounts have been rendered, and it has consequently become incumbent upon me to consider in what manner the duties incidental to their examination and audit can be most satisfactorily and economically undertaken.

So far as I am at present aware my estimate of the work to be done, more especially when the disestablishing clause of the Act shall have come into full operation, it is not too much to say that the accounts will entail an amount of labour and responsibility such as could scarcely have been anticipated when, in addition to his other multifarious and responsible duties, the head of this department was charged with the further function of assisting and reporting to Parliament upon the financial transactions of the Commissioners, not only in connection with the requirements of the appropriation clause (21 to 32) of the Exchequer and Audit Act, 1866, but with express reference to the provisions of the special Act from which the Commissioners derive their powers.

To enable him to discharge the duty thus imposed upon him (which, as has been shown, goes much beyond an ordinary audit of verification,) with the care and efficiency which its importance demands, it is indispensably necessary that he should be provided with a competent staff of assistants; and, as I cannot doubt that the Commissioners will concur in this view, I would venture to propose that I should be authorised, with their approval, to organize a small establishment for the special service, which, from the limitation as to time imposed by the Act, must of necessity be a service of a temporary nature.

For present purposes, it appears to me that the appointment of two or three (temporary) clerks would suffice; but as it would be necessary that their work should be revised by one or more competent officers accustomed to the duty of inspection, I would suggest, as an economical arrangement, that I should be permitted to assign the duty to any officer or officers in this department whom I may consider fully qualified to undertake it, and who would, for a limited annual allowance, in addition to their official salaries, perform the extra work out of office hours, so as not to encroach upon their public duties in this establishment.

For the remuneration of these officers, making a small amount for incidental expenses, I am of opinion that an annual sum of £200 should be allowed, on the understanding that, if it should prove more than sufficient, the balance remaining over shall be accounted for, periodically, to the Commission.

On the important subject of supervision and control I abstain from offering any observations. That duty will rest with me as the person upon whom the final and weighty responsibility of reporting to both Houses of Parliament the results of the annual transactions of the Commissioners under the powers conferred by the Act is solely charged.

It is, I trust, superfluous for me to say, that while I have submitted the foregoing proposal for the consideration and approval of the Commissioners, I shall be happy to receive any suggestions, or to co-operate with the Commissioners in carrying into effect any other scheme which, in their view, may be better adapted to secure the objects of an efficient and economical audit.

As an alternative proposal, I might have suggested

that the duties arising out of the Irish Church accounts should be performed by the department under my charge, but as it has already quite as much to do as it can conveniently undertake, such an arrangement would necessarily involve an increase of the working staff at an expense considerably in excess of that which I have proposed, while it would be open to the further objection, that it would be inequitable as well as opposed to established practice to increase the permanent staff of this office for a temporary purpose, and to invade the vote of Parliament granted for the performance of specific public duties by this department with items of receipt and expenditure, which, as having no relation thereto, might excite inconvenient and unnecessary criticism or discussion.

It was, no doubt, in this view of the matter, and probably also, because it was deemed inexpedient to draw any portion of the expenditure relating to the disestablishment of the Irish Church on the public, or to bring it, even as a temporary charge, into the public accounts, that the parties were called at the end of the 37th section of the Act giving the Commissioners full and exclusive powers to deal with the expense of the audit of their accounts, or for a distinct service, and to defray such expenses in the same manner as they are authorized to defray the other incidental expenses of carrying the Act into execution, out of any moneys for the time being in their hands.

Having, I trust, made my views sufficiently intelligible, it only remains for me to add that I have deemed it my duty to address myself to the Commissioners on the subject to which this letter refers, because, in carefully considering the 37th section of the Irish Church Act in connection with the 6th section and its several subsections, it appeared to me that although the Lords Commissioners of the Treasury have authority to act in certain cases of expenditure, they are not invested with any powers in regard to the "Incidental Expenses" of the Commission, in which is included the expense of conducting the audit of the accounts of the Irish Church.

I have the honour to remain,

My Lord and Gentlemen,

Your very obedient servant,

(Signed), WILLIAM DUNNEAL.

The Commissioners of Church Temporalities  
in Ireland.

(No. 6.)

Irish Church Temporalities Commission,

24, Upper Merion-street, Dublin,

23rd February, 1870.

Sir,

I have the honour to acknowledge the receipt of your letter of the 12th instant, and in reply I am directed to state that the Commissioners of Irish Church Temporalities will be quite prepared to pay what may be considered the necessary and proper expense of the audit of their accounts as a part of the incidental expenses of carrying the Irish Church Act, 1869, into execution, as provided in the 37th section; but the Commissioners feel some difficulty as to the mode of ascertaining and determining the amount.

They would observe to the Comptroller and Auditor-General that the 37th section directs, that they shall prepare in such form and for such periods as the Treasury may direct the receipts and expenditure of the capital and of the revenues derived from all property vested in them, and that they shall transmit the same to the Comptroller and Auditor-General to be audited, certified, and reported upon, with reference to the provisions of the Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866.

The Commissioners have no intention of indicating any opinion as to the mode in which the Comptroller and Auditor-General shall discharge the duties imposed upon him by the section referred to, but they would invite his attention to the latter part of the

33rd section of the 39th and 30th Victoria, chapter 39, and the following sections, under which it would appear that regulations may be prescribed by the Treasury for the examination and audit of any public accounts, which, though not directly relating to the receipt and expenditure of Imperial funds, the Treasury may by minute be laid before Parliament direct; and as the Treasury is by the 8th section empowered to appoint the officers, clerks, and other persons in the department of the Comptroller and Auditor-General, and Her Majesty by order in Council may regulate the numbers and salaries of the respective grades or classes into which the said officers, clerks, and others shall be divided, the Commissioners have much hesitation in entering into any arrangement with the Comptroller and Auditor-General, such as that proposed in his letter, without the concurrence of the Treasury.

They therefore, propose, subject to any observations which the Comptroller and Auditor-General may wish to make, to transmit to the Treasury a copy of his letter and of this letter, and to submit the matter to their Lordships' decision.

I have the honour to be, Sir,

Your very obedient servant,

(Signed), DENIS GOOLLY, Secretary.

Sir William Damber, bart,  
Comptroller and Auditor-General.

(No. 7.)

Exchequer and Audit Department,  
2nd March, 1870.

MY LORD AND GENTLEMEN,

I beg to acknowledge the receipt of Mr. Goolly's letter of the 23rd ultimo, written by your directions, upon which I have to offer the following observations:—

Had the 33rd section of the Exchequer and Audit Act, 1866, to which he invites my attention, been applicable to the audit of the Irish Church accounts, it would, no doubt, have rested with the Treasury when sending the accounts to this department, to prescribe the regulations under which the audit should be conducted, and as a necessary consequence to make such an increase to the permanent staff in this establishment, under the powers conferred by the 8th section of the same Act, as would be sufficient to overtake the additional work which such an audit would occasion.

I feel persuaded, however, that on a more deliberate consideration of the 37th section of the Irish Church Act, to which, as the question raised in Mr. Goolly's letter is one of legal construction, I again invite the careful attention of the Commissioners, they will concur with me in the opinion, that the 33rd section of the Exchequer and Audit Act is not, and cannot be made applicable to the Irish Church accounts, without a manifest infringement of the special enactment, in pursuance of which the accounts are transmitted to the Comptroller and Auditor-General by the Commissioners.

In so far as the Treasury have any powers in relation to the accounts, they appear to be specially derived from the 37th section of the Irish Church Act, and to be simply confined to the duty of settling the form in which, and the periods for which the Commissioners shall prepare the accounts.

In order, however, to bring out the full bearings of the question under consideration, I deem it necessary to explain, for the information of the Commissioners, that the Exchequer and Audit Act makes provision for two distinct descriptions of audit, namely, an appropriation audit, with a relative report for Parliament, and an ordinary audit for the Treasury. The former conducted under regulations prescribed by the House of Commons, includes from its importance and comprehensiveness all accounts relating to the receipt and expenditure of public moneys, under the head of

appropriation accounts; and the latter applies only to a few exceptional accounts, not in the nature of appropriation accounts, which the Treasury may think it desirable, for their own satisfaction, to submit to an audit check by this department under regulations prescribed by themselves.

It is, however, under the regulations prescribed for the receiving and auditing of appropriation accounts which are contained in sections 21 to 32 of the Exchequer and Audit Act, that the Legislature has thought fit to place the Irish Church accounts, as being, in the largest sense, an account of the receipt and expenditure of funds specially appropriated, and upon the due application of which to the purposes contemplated by the Irish Church Act the Comptroller and Auditor-General is required to report to both Houses of Parliament, the only legislative check placed on the otherwise unlimited powers of the Commissioners.

It must be obvious, therefore, that when powers and regulations for his guidance are prescribed by, and on behalf of Parliament, in terms so distinct as those set forth in the 37th section of the Irish Church Act, it would be impossible for the Comptroller and Auditor-General (who is an independent Parliamentary officer) to act them aside without a dereliction of duty, or to recognize any instructions, inconsistent therewith, emanating from any other authority.

On referring to the section of their Act just adverted to, the Commissioners will observe that the powers and regulations by which the Comptroller and Auditor-General is bound to govern himself, are clearly defined to be those prescribed by the Exchequer and Audit Department's Act, 1866, for the receiving and auditing of appropriation accounts, comprised as before stated in clauses 21 to 32 of that Act, and in no other. The words which I have underlined are overlooked in the reference made in Mr. Goolly's letter to the 37th section of the Irish Church Act. The reference stops at the figures 1866, which are placed within brackets, or rather between two commas, in the body of the sentence to which he calls my attention, and of which the words left out form an integral and most material portion. The omission is, no doubt, quite unintentional, but its effect, as the Commissioners will perceive, is to give an erroneous construction to the section in question as regards the powers and duties of the Comptroller and Auditor-General.

The only further remark which I have to make on this part of the subject, is that no accounts audited for the Treasury under regulations prescribed by them, in virtue of powers conferred by the Exchequer and Audit Act, are reported upon to Parliament, and this is an additional reason why the 33rd section of that Act cannot apply to the Irish Church accounts consistently with the provisions of the 37th section of the Irish Church Act, which, moreover, requires their direct transmission to the Comptroller and Auditor-General.

Having fully explained my views upon the point of law, I would now venture to add a few remarks upon the question of expense. As the cost of auditing the public accounts is provided for by the Exchequer and Audit Act, which gives certain powers in relation thereto to the Treasury, so, on the other hand, the cost of auditing the Irish Church accounts is likewise provided for by the special Act, which, in respect thereof, confers plenary powers on the Commissioners.

As I have before observed, the responsibility of conducting the audit is placed on the Comptroller and Auditor-General alone; but, while he is thus appointed sole auditor, provision is, at the same time, made by the proviso at the end of the 37th section for the expense consequent upon the additional duty assigned to him. It appears therefore to have been clearly contemplated (although the amount is left to the judgment and discretion of the Commissioners) that, as is usual in other cases of special audit, such a reasonable annual sum should be allowed to the Auditor "out of moneys for the time being in the hands of the Com-

misadventure\* as would fairly suffice to require all the services incidental to the due performance of the additional duties.

In illustration of this remark I may mention that the annual sum allowed by the English Ecclesiastical Commissioners to their Auditor also a public officer (who appoints and fires the remuneration of his own assistants), is paid over to him direct without passing through the public accounts.

In my last letter I expressed my willingness to co-operate with the Commissioners in carrying out my scheme consistent with the provisions of the Act, which in their judgment might be best calculated to ensure an efficient and economical audit.

I have therefore no objections whatever to offer to the proposal referred to in the Treasury, if it should still be deemed advisable. At the same time I may be permitted to observe that there would have been to be any greater difficulty in coming to an arrangement with the Comptroller and Auditor-General, and in ascertaining and determining the amount to be allowed for the audit, than there would have been if any other individual, in or out of the public service, had been nominated auditor. Not only have the Commissioners the necessary powers to deal with the expense of audit, as with their other "incidental expenses," on their own responsibility, but with their knowledge of the accounts, and the aid of the experienced officers employed under them, they must of necessity be more competent to form a just estimate of the proper allowance for the work to be done than either the Treasury or the Comptroller and Auditor-General.

I think it necessary to add that, in order to prevent the examination of the accounts which have been rendered for several months from falling into arrear, I have, pending the decision of the Commissioners, taken upon myself the responsibility of incurring a certain (limited) amount of expense, the necessity for which, under the circumstances, will, I trust, be admitted by the Commissioners.

In conclusion, I have to request that in the event of the Commissioners still thinking it necessary to submit the matter to the Treasury, they will be so good as to include a copy of this communication in the correspondence.

I have the honour to be, my Lord and Gentlemen,  
Your obedient servant,  
(Signed), WM. DUNBAR.

The Commissioners of Church Temporalities  
in Ireland.

(No. 8.)  
Irish Church Temporalities Commission,  
24 Upper Mermaid-street, Dublin,  
21st April, 1870.

My Lords,

I have the honour to transmit copies of the correspondence noted in the margin\* between the Commissioners of Church Temporalities in Ireland and the Comptroller and Auditor-General.

I am directed to state that the Commissioners retain the opinion expressed in my letter of the 22nd February, and they continue to suggest that the questions involved in the correspondence should receive the consideration of Her Majesty's Government.

The Commissioners desire to add that they will be quite ready to pay out of the incidents of the office, under the 37th section, such amount, either annually, or from time to time, as your Lordships recommend, on the expense of the audit.

I have the honour to be, my Lords,  
Your most obedient servant,  
(Signed), DEREK GORDON, Secretary.  
The Lords Commissioners of Her Majesty's  
Treasury, Whitehall, London.

(No. 9.)

8,683.

Treasury Chambers,  
24th May, 1870.

MY LORDS AND GENTLEMEN,

The Lords Commissioners of Her Majesty's Treasury have carefully considered the correspondence of which copies were enclosed in your letter of 21st ultimo, and have come to the conclusion that the audit of the accounts of the Irish Church Temporalities Commission, prescribed by the 37th section of the Irish Church Act, 1869 (32 & 33 Vic., c. 42), is to be conducted by the Comptroller and Auditor-General in his official character, and as part of his public duties (under sections 21-32 of the Exchequer and Audit Act, 1860), and that whatever addition to his establishment may be required, in order to perform the duties thus imposed upon him, will be subject to section 8 of the same.

I am further to state that their Lordships have forwarded a copy of this letter to the Comptroller and Auditor-General, and that as soon as some further experience has been gained as to the cost of auditing the accounts of this Commission, they will communicate further with you as to the amount which is to be defrayed out of the moneys in your hands, pursuant to the concluding part of section 37 in the Irish Church Act, 1869.

I am, my Lord and Gentlemen,  
Your obedient servant,  
(Signed), JAMES STANSFELD.

The Irish Church Temporalities Commission.

(No. 10.)

11,586.

Treasury Chambers,  
22nd June, 1870.

MY LORDS AND GENTLEMEN,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for any observations you may desire to make on the proposals therein contained, the enclosed copy of a report from the Comptroller and Auditor-General with regard to the audit of the accounts of the Commission.

I am, my Lords and Gentlemen,  
Your obedient servant,  
(Signed), JAMES STANSFELD.

The Irish Church Commissioners, Dublin.

(No. 11.)

Exchequer and Audit Department,  
Somerset House, London, W.C.,  
13th June, 1870.

My Lords,

I have to acknowledge the receipt of Mr. Stansfeld's letter of the 24th ultimo, on the subject of the audit of the accounts of the Irish Church Temporalities Commission.

Your Lordships having come to the conclusion that the audit of the accounts of that Commission prescribed by the 37th section of the Irish Church Act, 1869, is to be conducted by the Comptroller and Auditor-General in his official character, and as part of his public duties, under sections 21-32 of the Exchequer and Audit Department Act (1860), have intimated to me by Mr. Stansfeld's letter that you are prepared to receive a statement of the number and remuneration of the temporary officers whom I propose to employ, in order to enable the establishment of this department to undertake the audit of the accounts of the Irish Church Commission.

In complying with the desire so expressed, I have to remark, in the first place, that the duty of audit in the case of the Irish Church Commission is one of more than ordinary importance and difficulty, seeing, as it does, with expenditure of a nature quite foreign

\* Letter from Sir Wm. Dunbar, dated 12th February. Letter from Mr. Stansfeld, dated 22nd February. Letter from Sir Wm. Dunbar dated 2nd March last.

to that coming under the ordinary review of this department.

I need not, however, in this place, do more than refer your Lordships to the observations in my letters to the Irish Church Commissioners of the 12th February and 3rd March last, which fully explain the importance of the audit in question.

I only allude to this subject now, in order that your Lordships may see at once that although the appointments to this establishment may be confined to two or three temporary officers, it will be out of the question for me, under the heavy responsibility with which I am charged, to employ upon the higher part of the work as imposed upon me, any but officers of the highest skill, experience, and position, which this department contains.

The Irish Church Commissioners have transmitted to me monthly accounts, commencing with August, 1869, up to and including January last; and these accounts have received a partial and preliminary examination at the hands of Mr. Irwin, son of an Inspector in this department, lately deceased, whom I have employed from 1st December, 1869, at an allowance at the rate of £100 per annum, only pending the settlement of the necessary establishment.

Your Lordships express yourselves as prepared to sanction retrospectively the expenses of the officers already employed upon the audit of this account; the only expense already incurred is that for Mr. Irwin's salary; but I would express my earnest hope that Mr. Irwin, with whose efficiency I have every reason to be satisfied, may on that ground, and on account of his late father's long and meritorious services, be allowed to form one of the temporary officers to be added to the establishment, at a salary commensurate with not less than that he now receives.

It will be necessary for me to place the Irish Church accounts under the superintendence of an Inspector of the 1st section, and to make arrangements for relieving him of the greater part of the duties now imposed upon him, inasmuch, as the careful revision of all payments with special reference to the intricate Act under which they are made, and periodical local inspections of the accounts, will absorb nearly the whole of his time.

This will necessitate the transfer of the duties of which he will be relieved to an Inspector of the 2nd section, and I would submit that as the duties and responsibilities of the officer to be so employed will, for a considerable number of years, be greatly increased, he should receive the difference between his present salary and the salary of an Inspector of the 1st section.

This arrangement will involve no addition to the number of persons employed as Inspectors.

I also propose to select an experienced senior examiner, and to employ one junior examiner in addition to Mr. Irwin.

It will thus be necessary to add two temporary officers, besides Mr. Irwin, to fill the places of the senior and junior examiners to be employed on the audit of the Irish Church accounts.

It is a question for your Lordships to decide, as to the proportion of the expense to be borne by the Irish Church Commission, but it appears to me that they might be fairly called upon to contribute two-thirds of the medium salary of an Inspector of the first class, whose time, though nearly, would not be entirely occupied with the superintendence of these accounts, and the mean of the salaries of the other officers actually employed upon them; if so, the account would stand thus:—

1 Inspector, 1st Section (two-thirds of mean salary),	400 0
1 Senior Examiner (mean salary),	407 10
2 Junior Examiners (mean salary),	400 0
	43,297 10

Your Lordships will probably agree with me, that this would be a moderate contribution on the part of the Irish Church Commission, as they would have the

gratuitous services of the higher officers of this department in the supervision of their accounts.

I have only to add that the expenses of travelling, personal allowances, and other contingencies, should fall upon the Irish Church Commission, and not upon the public.

I have, &c.,

(Signed), WILLIAM DUFFIN,  
Comptroller and Auditor-General.

The Lords Commissioners of Her  
Majesty's Treasury, &c., &c., &c.

(No. 12.)

Irish Church Temporalities Commission,  
24 Upper Merionestreet, Dublin.

1st August, 1870.

SIR,

I am directed by the Commissioners of Church Temporalities in Ireland to state that they have given full consideration to your letter of 22nd June, and the Report of the Comptroller and Auditor-General with regard to the audit of the accounts of the Commission.

The Commissioners understand that their Lordships of the Treasury have come to the conclusion that the audit of the accounts of the Commission, prescribed by the 37th section of the Irish Church Act, 1845, is to be conducted by the Comptroller and Auditor-General in his official capacity, and as part of his public duties, under sections 21 & 32 of the Exchequer and Audit Departments Act (1866), and that the proper cost of such audit shall be paid, under the 37th section of their Act, into the consolidated fund.

In this view the Commissioners venture to express their ready concurrence, and they have only now to remark upon the amount, which in his letter of 13th June, the Comptroller and Auditor-General estimates as the temporary cost of the audit.

As all payments made out of the incidents of the office will be so much in discharge of the surplus of Church funds, of which the Commissioners are trustees until appropriated by Parliament, it is the duty of the Commissioners to guard that fund as far as possible against any payment which may appear to them excessive, even though it may be made into the consolidated fund, and the remarks which they have directed me to make are offered solely with that view.

I.—They direct me to observe that, although it is the case, as stated by the Comptroller and Auditor-General, that the accounts of the Commissioners are of a nature of more than ordinary importance, much pains have been taken, under the able advice of Mr. Foster and Mr. Viner, for facilitating the independent and effective examination of the accounts by the Audit Office, as prescribed by the 37th section of the Act. The duties of audit have been largely considered in the arrangement of the system on which the accounts are constructed; care has been taken to support each item of expenditure with a complete voucher, furnishing authority for payment, evidence of correctness, and legal acquittance of liability. Charge-books have been established for the purpose of recording the interest of the Commissioners in all property vested, or that may be vested, in them under the Church Act; and in due time complete returns will be prepared and furnished of all revenues, whether of a fixed or temporary nature.

The monthly accounts, with the vouchers, are fully examined by the accountant, and submitted by him to one of the Commissioners previous to their transmission to the Audit Office, and, as far as possible, the process of final audit is simplified and facilitated by preliminary arrangements in the Church Temporalities Office.

II.—The Comptroller and Auditor-General proposes an arrangement for the temporary audit of the accounts, and suggests a contribution of two-thirds of the medium salary of an Inspector of the first class, and

the mean salaries of the other officers actually employed upon them amounting as follows:—

1 Inspector, 1st Section . . . . .	2400
1 Senior Examiner . . . . .	400
2 Junior Examiners . . . . .	400
	<hr/> 22,800

As this proportion appears to involve an organization of the Exchequer and Audit Department as regards the audit of the accounts of the Irish Commission, the Commissioners desire to explain that the extent of audit duty up to 1st January, 1871, will be chiefly limited to the examination of expenditure only, authorizations representing the vouchers in support of the revenues arising from the property transferred from the late Ecclesiastical Commissioners for Ireland, with the addition of vacant benefices during the period from 26th July, 1869, to 31st December, 1870, will not be due to the Auditor-General's department until about March, 1871, and not until about March, 1872, will the Comptroller and Auditor-General be in possession of the extensive receipts, which will include the Tithe Rent-charges vested in the Commissioners on the 1st January, 1871.

Moreover, the extent and character of the accounts to be submitted for audit will depend materially upon whether the clergy generally adopt the constitution offered in the 23rd section of the Act. If they should comply, not only will the Tithe Rent-charges, but every other description of Church property, be placed in charge of the Commissioners immediately after 1st January, 1871, and the extent of their accounts be thus materially increased.

It is impossible at the present time to calculate with any certainty as to whether the commission will be adopted generally by the clergy.

III.—The Commissioners desire to observe that the duties relating to the audit of the accounts, under the regulations of the late Ecclesiastical Commissioners for Ireland, were performed by one clerk, with a salary of £170 a year, with the occasional assistance of a junior clerk at a salary of £90 a year, under the personal direction of one of the Commissioners, and I am instructed to add that the audit was performed in an elaborate and effective manner.

IV.—Under the circumstances, and as the full extent of the duties relating to the audit of the accounts cannot be properly ascertained until about March, 1872, the Commissioners consider that it would be inexpedient at the present time to fix any sum as representing the cost of audit.

I have the honour to be, your obedient servant,  
(Signed), E. J. ARMSTRONG, Chief Clerk,  
per Secretary.

To the Right Honourable James Stansfeld,  
Treasury, London.

14,733.

(No. 13.)

Treasury Chambers,

Sir,

10th August, 1870.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will inform the Irish Church Temporalities Commissioners that upon consideration of the circumstances explained in Mr. Armstrong's letter of the 1st instant, and specially of the fact that the extent of the accounts of the Commission, which it will finally be the duty of the Comptroller and Auditor-General to examine and audit, cannot be ascertained with any accuracy until the 31st March, 1871, at the earliest, and possibly not for a considerable period subsequent to that date, their Lordships will not propose that the amount to be contributed by the Commissioners to the Imperial revenue in repayment of the expense incurred in the audit of their accounts, should be at present fixed at the sum estimated by the Comptroller and Auditor-General.

As, however, it is important that the examination and audit should be conducted by officers of sufficient position and experience, to enable the Comptroller and Auditor-General satisfactorily to discharge the respon-

sible duty which will be imposed on him, and as their Lordships will be unable to allow any portion of the expense of such audit to fall upon public funds, they will request the Comptroller and Auditor-General to undertake the commencement of the audit with as limited a staff as possible, such staff to be only increased upon representation of its necessity to this Board, and to furnish the Commissioners at the close of the year ending 31st March, 1871, with a statement of the actual cost incurred on such audit, with a view to the repayment of the same.

I am, Sir, your obedient servant,  
(Signed), JAMES STANSFELD.

The Secretary to the Irish Church  
Commissioners, Dublin.

(No. 14.)

923.

Exchequer and Audit Department,  
Nassau Street, London, W.C.,  
27th April, 1871.

Sir,

I am desired by the Comptroller and Auditor-General, in accordance with directions received from the Lords Commissioners of Her Majesty's Treasury, to acquaint you, for the information of the Irish Church Temporalities Commissioners, that the actual cost incurred, up to the 31st of March, 1871, inclusive, on the examination of the accounts of the Commissioners, was £685 18s. 2d., and I am to request that the same may be paid to the Paymaster-General, to the credit of the Exchequer and Audit Department Vote, with a view to its being transferred to Her Majesty's exchequer.

I have the honour to be, Sir, your obedient servant,  
(Signed), G. L. RYAN.

The Secretary,  
Irish Church Temporalities Commission.

(No. 15.)

Irish Church Temporalities Commission,  
2nd May, 1871.

Mr Leese,

I am directed by the Commissioners of Church Temporalities in Ireland, to transmit the enclosed copy of a letter received from the Exchequer and Audit Department on the 27th ultimo, and, with reference to that of Mr. Stansfeld of the 24th May, 1870, to state that the Commissioners will be glad to receive any communication your Lordships may think proper to make on the subject of the expense of auditing the accounts of the Commission.

I have the honour to be,  
Your Lordships' obedient servant,  
(Signed), DENNIS GOWAN, Secretary.

The Lords Commissioners of Her  
Majesty's Treasury.

7,531.

(No. 16.)

Treasury Chambers,

Mr LORD AND GENTLEMEN,

2nd May, 1871.

With reference to Mr. Gifford's letter of 2nd instant, on the subject of the expense of auditing the accounts of the Commission, I am directed by the Lords Commissioners of Her Majesty's Treasury to inform you that it appears to their Lordships that the Comptroller and Auditor-General has acted in accordance with the arrangements of which you were informed in the concluding paragraph of the letter from this Board of 19th August last (14,733/70), and it only remains for you to comply with his request for repayment of the actual cost incurred on account of such audit up to 31st March, 1871.

I am, my Lord and Gentlemen,  
Your obedient servant,  
(Signed), R. B. W. LINGARD.

The Commissioners of Church Temporalities  
in Ireland.

(No. 17.)

## FORM OF RECEIVABLE ORDER.

IRISH CHURCH TEMPORALITIES COMMISSION,  
24, UPPER MERRION-STREET, DUBLIN.

TYPE REPT-CHARON.

RECEIVABLE ORDER (C) No. ....

Note.—Should correspondence arise, this letter (C) and Number must be quoted.

Benefice, .....

Name of Payer, .....

\* Address, .....

Place to insert here  
any change of  
Name or Address.

## PARTICULARS OF CLAIM.

RENT-CHARGE, half-year to

, 187 ,

Less:

POOR RATH (vide Act 1 &amp; 2 Vict., cap. 56, sec. 76), viz.,

INCOME TAX, .....

Pleas to receive £

On or before, but not after

, 187 .

and place the same to the Credit of "THE CASH ACCOUNT" of THE COMMISSIONERS OF CHURCH  
TEMPORALITIES IN IRELAND.

DEIRDRE CONNOR, Secretary,

, 187 .

To the Cashiers of the Bank of Ireland.

In the event of a Branch of the Bank of Ireland not being established within  
a convenient distance, a CASHIER CHEQUE, or POST OFFICE ORDER, in favour of  
the BANK OF IRELAND, may be transmitted, under cover to

"THE SECRETARY OF THE BANK OF IRELAND, DUBLIN,"

TOGETHER WITH THIS RECEIVABLE ORDER,

or Remittance may be made at any Local Bank, for service to the Bank of Ireland.

On the Amount being brought to credit at the Bank of Ireland, this document,  
officially receipted by The Commissioners of Church Temporalities in Ireland,  
will be returned by them to the Payer in due course.N.B.—This space must be  
left blank for the Official  
Receipt of The Commis-  
sioners.

## SPECIAL INSTRUCTIONS FOR THE CASHIERS OF PAYERS OF MONEY.

1. Cheques and Money Orders must be made payable to the Bank of Ireland, and not to the Secretary of the Bank of Ireland.
2. The exact amount of a Receivable Order must be remitted to the Bank of Ireland, as the Bank Authorities cannot undertake to return change to a payer.
3. Receivable Orders must not be cut or torn.
4. The Amount of a Receivable Order must not be altered by a payer. Should a payer dispute the amount of a demand, he is requested, at once, to communicate with the Secretary to The Commissioners, at No. 24, Upper Merrion-street, Dublin.
5. Neither Cash nor Remittances will be received at the Office in Merrion-street, Dublin.

By Order,

DEIRDRE CONNOR,

Secretary to The Commissioners of Church  
Temporalities in Ireland.

1st January, 1871.

Neither Cash nor Remittances will be received at the Office in Merrion-street.

(No. 18.)

LIST OF ECCLESIASTICAL STRUCTURES vested in the SECRETARY of the COMMISSIONERS of PUBLIC WORKS in IRELAND, to be PRESERVED as NATIONAL MONUMENTS, pursuant to the 25th Section of "The Irish Church Act, 1869," up to 31st December, 1874.

## COUNTY FERMANAGH.

Devenish Church and Round Tower, in the parish of Devenish, and barony of Magheraduff.

## COUNTY TIRONE.

Dunagmore Stone Cross, in the parish of Dunagmore, and barony of Middle Dunagmore.

## COUNTY LOUTH.

Monasterlough Church, Round Tower, and three crosses, in the parish of Monasterlough, and barony of Fermanagh.

## COUNTY MEATH.

Dunagmore Church and Round Tower, in the parish of Dunagmore, and barony of Fermanagh; St. Columbkille House, Kells, in the parish of Kells, and barony of Upper Kells.

## COUNTY MAID.

Killala Round Tower, in the parish of Killala, and barony of Tyrone.

## COUNTY KILKENNY.

Kilhamney Stone Cross, in the parish of Kilhamney, and barony of Kells; Kilkeeran Stone Cross, in the parish of Kilkeeran, and barony of Glenties.

## COUNTY TIPPERARY.

Rehindeel Buias or "The Rock of Obedel," Kildangan, two stone crosses in the parish of Newtown Leman, and barony of Iffa and Offa West.

## COUNTY WATERFORD.

Ardsheen Cathedral, Round Tower, and St. Declan's Tomb, in the parishes of Ardsheen, in the parish of Ardsheen, and barony of Iffa and Offa West.

## COUNTY WICKLOW.

The ruins of the Seven Churches, with the Round Tower, stone crosses, and the other ecclesiastical buildings or structures.

## COUNTY KERRY.

Ardfick Cathedral, and ruins of two churches in the parish of Ardfick, and barony of Glanmaurice; Gallarus Church, in the parish of Kilmacluskag, and barony of Glanmaurice.

(No. 19.)

STATEMENT showing the AMOUNT of the GROSS RECEIPTS and GROSS EXPENDITURE, together with the SURCHARGES and DISALLOWANCES made by the COMPTROLLER and AUDITOR-GENERAL, in respect of the Accounts of the years which have been reported by him to Parliament.

YEAR.	Gross Receipts.	Gross Expenditure.	Surcharges.	Disallowances.	Explanatory References to Surcharges and Disallowances.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1869-70	971,583 14 8	604,995 9 4	—	133 6 11	Amount of a gratuity paid by the authority of the Commissioners to their Accountant, without Treasury sanction, . . . . . 113 15 11 Payment of salary in advance to a Clerk who was ill and afterwards died, . . . . . 9 13 0 £123 6 11
1871	3,073,128 7 9	3,096,316 12 8	32 2 6	5 1 10	Amount of Indemnity on Office House Allowance, Head of First Entry, which had been received by the Accountants, but had been used in other ways. (The inclusion of these sums also affects the Receipts Accounts), . . . . . 32 2 6 Sum correctly, . . . . . 5 1 10 £37 4 4
1872	3,260,612 5 4	3,314,925 9 1	240 7 9	9 2 1	Extract from the Comptroller and Auditor-General's Fourth Report, Part paper, 1874, No. 235, p. 3:— "With reference to the balance upon the Account of 1871, as to the amount of which a difference of opinion existed, I think it proper to add that the balance in question has been satisfactorily adjusted." Surcharge, £240 7 9; overpayments, 29 2s. 6d. (Note. The Fifth Report of the Comptroller and Auditor-General, in which these sums will be referred to, has not yet been made to Parliament.)



APPENDIX No. 20.

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ACCOUNTS

OF

THE COMMISSIONERS OF CHURCH TEMPORALITIES IN IRELAND,

FOR THE PERIOD,

FROM 25th JULY, 1869 (THE COMMENCEMENT OF THE COMMISSION),

TO 31st DECEMBER, 1874.

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	Page
I.—CASH ACCOUNT, . . . . .	42
II.—MORTGAGE ACCOUNTS, &c. (Sales of Property on Credit, &c.), . . . . .	46
SUPPLEMENTAL STATEMENT, showing Gross Sales of Property (Cash and Credit transactions),	46



50).

Church Act 1869," and "The Irish Church Act, 1869, Amendment Act, 1872," for the period, from 26th July, to 31st December, 1874.

## ACCOUNT.

Cn.

Section of Principal Act and Act of 1872.		£	s.	d.	£	s.	d.
14	By COMPENSATIONS, ASSISTANCE, GRATUITIES, &c.:						
15	For Life Annuities to Archbishops, Bishops, and Incumbents, . . . . .	442,304	10	4			
15	For Life Annuities to Permanent Curates, . . . . .	80,495	10	11			
15	For Gratuities to Curates not entitled to compensation as Permanent Curates, . . . . .	33,400	0	0			
16	For Life Annuities to Bishops and District Schoolmasters, . . . . .	3,371	12	3			
16	For Life Annuities to Clerks, Sextons, and others holding freehold offices, . . . . .	46,240	5	0			
17	For Gratuities to certain persons not entitled to compensation, . . . . .	4,025	10	0			
45	For Life Annuities to Vicars-General and other officers, for loss of fees, &c. . . . .	19,291	15	7			
45	For Compensation to Deputy Registrars and others, for loss of office, . . . . .	3,270	15	4			
45	For Compensation to Vicars-General, &c., for loss of fees, . . . . .	2,112	17	6			
45	For Compensation to the Chancellor and Procurators of Christ Church, Dublin, &c. . . . .	32,715	5	3			
							670,009 11 7
23	By Compensation of ASSISTANCE, &c.:	£	s.	d.	£	s.	d.
	Of Archbishops, Bishops, and Incumbents:						
	Commutation Money, . . . . .	5,194,725	4	5			
	Bonus (12 per cent. added), . . . . .	603,499	3	2	5,815,225	9	7
22	Of Permanent Curates:						
	Commutation Money, . . . . .	1,545,579	17	0			
	Bonus (12 per cent. added), . . . . .	185,391	17	7	1,730,970	14	7
					7,546,095	4	2
	Less—Amount remaining unpaid to The Representative Church Body, on 31st December, 1874, . . . . .				*332,000	0	0
2 (1872)	Of Diocesan Schoolmasters, . . . . .				6,954,095	4	2
16	Of Clerks, Sextons, and others, . . . . .				15,714	19	6
4 (1872)	Of Vicars-General and other Officers, . . . . .				370,565	14	4
4 (1872)	Of Assistants under 44th Section, . . . . .				68,419	4	4
					38,946	19	1
							7,394,332 1 5
23	By INTEREST OF COMMUTATION MONEY (paid to The Representative Church Body), . . . . .				—		244,101 18 3
34, 35, 36, 37, and 3 (1872)	By BUILDING CHARGES, . . . . .				—		227,114 0 6
18	By COMPENSATION TO LAY PATRONS, . . . . .				—		700,629 11 6
29	By PRIVATE ENDOWMENTS (paid over to The Representative Church Body), . . . . .				—		500,000 0 0
25	By NATIONAL MONUMENTS—Maintenance, . . . . .				—		22,824 0 0
26	By LEASES OF TITHES REPT-GRASS—Purchase of, . . . . .				—		58,192 13 4
8 (1872)	By CHARGES AND INSURANCE AFFECTING PROPERTY, . . . . .				—		36,427 7 5
11 and 12	By PAYMENTS TO PERSONS APPOINTED TO ECCLESIASTICAL OFFICES between 26th July, 1869, and 1st January, 1871, . . . . .				—		18,549 4 1
38	By REPTIM DOWNS:						
	Life Annuities, . . . . .				44,206	10	9
29	Commutation of Annuities:—				£	s.	d.
29	Commutation Money, . . . . .				240,520	4	0
29	Bonus (12 per cent. added), . . . . .				26,760	10	2
40	Widow and Orphan Fund, Synod of Ulster, . . . . .				635,345	14	2
40	Other Widows' Funds, . . . . .				5,124	0	0
40	Ministers' Payments to Widows' Funds, . . . . .				13,553	10	3
40	Charges of the Synod, . . . . .				18,500	0	0
40	General Assembly's College at Belfast, . . . . .				2,131	19	4
40	Non-Subscribing Associations of Presbyterians, . . . . .				33,778	19	9
					4,500	0	0
							743,799 9 10
40	By COLLEGE OF MAYNOOTH, . . . . .				—		375,331 0 6
34	By EXPENSES ATTENDANT ON SALES OF PROPERTY, . . . . .				—		323 11 7
	* At the date of this Report, this liability of £332,000 is reduced to the sum of £187,000, further payments, amounting to £145,000, having been made to The Representative Church Body in January, 1875.						
	Carried forward, . . . . .				—		£11,657,807 10 0

## APPENDIX TO REPORT OF THE COMMISSIONERS

ACCOUNTS of the COMMISSIONERS of CHURCH TEMPORALITIES in IRELAND, for the period, from

11 Jan.

L—CASH

Section of Principal Act and Act of 1871.		Brought forward, . . .	£	s.	d.	£	s.	d.
			—			1,046,629	0	0
To RESERVE, &c.:								
11 & 12, and 6 (1872) 11 and 12	Wills Rent-charge, . . . . .		1,195,331	9	9			
LANDS, &c.:								
	1. Perpetuity Rents, . . . . .	£ s. d. 342,523 2 6						
	2. Honoraria Leaseholds (including Fines), and other Taxes, . . . . .	385,295 7 4						
	3. Mineral Rents and Royalties, . . . . .	4,797 19 0						
			755,687	8	10			
11 & 12, and 12 (1872) 11	TO DIVIDENDS AND INTEREST OF MONIES, . . . . .		—			1,920,210	16	7
11	TO CHARGE ON THE SOLE OF ARMAMENTS (Act 3 & 4 Will. IV., c. 37, s. 54), . . . . .		—			13,500	0	0
11	TO CHARGE ON THE SOLE OF DUTY (Act 3 & 4 Will. IV., c. 37, s. 54), . . . . .		—			21,520	2	7
11	TO PRIVATE SUBSCRIPTIONS for Building and Repair of Churches, . . . . .		—			9,551	9	8
11	TO ECCLESIASTICAL TAX (Act 3 & 4 Will. IV., c. 37), . . . . .		—			47,486	10	7
— 32 and 7 (1872) 32	TO OTHER HEADS OF REVENUE, . . . . .		—			40,550	6	3
— 32 and 7 (1872) 32	TO LOAN ACCOUNT—TWO RENT-CHARGE, Fixed Annual Installments, . . . . .		—			262,921	4	0
— 32 and 7 (1872) 32	TO MORTGAGE ACCOUNT—LANDS PROPERTY, &c.:— Mortgage Money, . . . . . Fixed Half-yearly Installments, . . . . .		1,591 16 8 15,918 8 9					
32	TO MORTGAGE ACCOUNT—CONVERTED LEASEHOLDS (Act 3 & 4 Will. IV., c. 37, s. 135)—Mortgage Money, . . . . .		—			17,508	5	5
						14,202	12	11
11	TO GREEN-HOUSE ADVANCES—1000 Board of First Fruits (Acts 3 & 4 Will. IV., c. 37, s. 54, and 1 & 2 Vict., c. 105, s. 45)—Installments, . . . . .		—			11,993	15	5
11	TO GREEN-HOUSE MORTGAGES (Acts 33 & 34 Vict., c. 136, s. 33, and 14 & 15 Vict., c. 73, s. 30): Installments, . . . . . Returned by Mortgagees, . . . . .		5,567 12 10 450 8 1					
20	TO PRIMATE BISHOP'S AND OTHER TRUST FUNDS, . . . . .					6,917 16 11 10,648 5 2		
—	TO PROPERTY AND INCOME TAX (Act 16 & 17 Vict., c. 34, s. 3), . . . . .					20,936	19	3
—	TO SINKING FUND: £547,329 13s. 1d. Stock, . . . . .					530,963	0	9
38 to 51	TO THE COMMISSIONERS FOR THE REDUCTION OF THE NATIONAL DEBT.—For Advances, . . . . .					8,500,000	0	0
* Further and final advances of £100,000 having been made by The National Debt Commissioners in January, 1875, the total liability at the date of this Report is £9,000,000.								
						£12,363,570	14	0

\* Further and final advances of \$100,000 having been made by The National Debt Commission in January, 1975, the total liability at the date of this Report is \$2,000,000.

IRISH CHURCH TEMPORALITIES COMMISSION,  
2012, January, 1875.

25th July, 1869 (the commencement of the Commission), to 31st December, 1874—continued.

ACCOUNT—continued.

CR.

Section of Principal Act and Act of 1873.		Brought forward.	£	s	d.	£	s	d.
11 and 12	By RENT ALLOWANCES (Pensions allowed, &c.),		—	—	—	31,037	507	10 0
35	By PROSECUTION OF INDEBTED PAID OVER TO THE CLERGY,		—	—	—	106,334	15	10
11 and 12	By ALLOWANCE TO TITHEES (Improvements, Repairs, &c.),		—	—	—	308	11	0
11 and 12	By TITHES RENT-CHARGES PAID,		—	—	—	1,868	18	11
11 and 12	By QUITY AND CHURCH RENTS PAID,		—	—	—	2,311	6	10
11 and 12	By RATES, TAXES, &c.,		—	—	—	1,020	7	0
48	By EXPENDITURE UNDER 48TH SECTION OF "The Irish Church Act, 1869:"— For Building and enlarging Churches,		—	—	—	92,334	19	0
49	By EXPENDITURE UNDER 49TH SECTION OF "The Irish Church Act, 1869:"— For Repair of Churches, For Church Regulations; Salaries of Clerks, Sextons, &c.,		70,124	3	6	44,759	6	6
11	By GRANTS AND OTHER PAYMENTS for which the late Ecclesiastical Commissioners were liable,		—	—	—	134,544	10	0
—	By OTHER HEADS OF EXPENDITURE,		—	—	—	40,000	14	1
5 and 6	By EXPENSES OF THE COMMISSION: Establishment— Salaries and Allowances, 56,807 8 2 Incidental Expenses (Travelling Expenses, Rent of Office, Stationery and Printing, Postage, Cries and Expenses of Clergymen in consolidating claims, &c.), 97,769 7 8 Legal Branch, 121,500 15 10 Architects and Surveyors' Branch, 10,040 14 7 Bailiffs, Beg-rout Collectors, &c., 10,863 16 6 Audit of Accounts—Cost of Audit, 1,285 12 3 6,250 7 4		—	—	—	152,322	6	6
44	By COMPENSATION AND REPERMANENT ALLOWANCES of the Commissioners and Officers of the late Ecclesiastical Commission,		—	—	—	17,526	1	0
59 to 61	By INTEREST AND CHARGES ON LOANS: Interest of Advances from National Debt Commissioners, Stamp Duty on Debentures, Charge for Remittances from England to Ireland,		775,508	16	0	11,125	0	0
7 and 10 (1873)	By STAMP DUTY ON MARRIAGE OUTGOES, &c.,		—	—	—	4,400	0	0
11	By GRANT-REDEEM ADVANCES—late Board of First Fruits (Acts 3 & 4 Will. IV., c. 37, s. 38, and 1 & 2 Vict., c. 105, s. 48)—For repayment of sums overvalued in the Accounts of the late Commission,		—	—	—	790,078	16	0
11	By GRANT-REDEEM MORTGAGES (Acts 38 & 39 Vict., c. 150, s. 38, and 14 & 15 Vict., c. 73, s. 38)—Advanced in Cash,		—	—	—	14,094	10	3
29	By PRIMATE BOLTON'S AND OTHER TITHES FUNDS,		—	—	—	300	12	0
—	By PROPERTY AND INCOME TAX (Act 16 & 17 Vict., c. 24, s. 5),		—	—	—	3,023	1	0
53	By SECURITIES PURCHASED.— 4854,506 16s. 10d. Stock,		—	—	—	12,111	19	0
36	By BALANCE on the 31st December, 1874:— Cash, Deposit Account, Bank of Ireland,		42,278	10	11	40,000	0	0
—	Less—Sub-Accountants, &c. (Cr.),		60,323	10	11	177	9	8
			—	—	—	82,081	1	0

STOCK BALANCES, 31st December, 1874.

	Stock.			Value.		
	£	s	d.	£	s	d.
New Three per Cent. Annuities,	49,361	16	5	44,735	17	0
Stock, Bank of Ireland,	13,310	0	0	45,930	0	0
£	64,671	16	5	90,725	17	0

A. J. PHIPPS,

Accountant to the Commissioners.

## II.—MORTGAGE

Dr.

(SALES OF PROPERTY)

Head or Account.	Balances on the 2nd July, 1875.	Mortgage Money, £s. (Pence).	Interest Provisionally receivable in respect of Mortgage transfers by fixed Investments.	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
To SALES OF PROPERTY:				
Tithe Rent-charge, . . . . .	—	3,356,675 6 2	4,115,233 9 9	7,221,504 17 11
Lands:				
Perpetuity Rents, . . . . .	—	56,633 16 9	181,256 15 7	507,673 8 8
Yearly and other Tenures, . . . . .	—	301,402 9 2		
Ecclesiastical Residences and Lands, . . . . .	—	26,581 9 2		
To CONVERSION OF RENEWABLE LEASEHOLDS INTO PERPETUITIES, . . . . .	20,405 6 4	161,335 11 11	—	221,501 18 5
To GREEN-HOUSE ADVANCES, late Board of First Fruits, . . . . .	21,144 2 0	—	—	21,144 2 0
To GREEN-HOUSE MORTGAGES, . . . . .	40,355 7 3	5,023 1 9	—	55,378 9 0
	4 99,835 15 7	3,788,045 14 11	4,296,475 5 4	8,164,365 15 10

## SALES OF PROPERTY—

Head or Account.	Actual Value. £ s. d.
Tithe Rent-charge, . . . . .	163,187 6 5
Lands:	
Perpetuity Rents, . . . . .	8,949 9 4
Renewable Leaseholds, . . . . .	163 15 5
*Yearly and other Tenures, . . . . .	26,053 14 6
Rights to Mines and Quarries, . . . . .	—
Ecclesiastical Residences and Lands, . . . . .	—
Conversion of Renewable Leaseholds into Perpetuities, . . . . .	—
* These sales will be subject to an addition, in respect of transactions in the Landed Estate Court, which are anticipated for at this date.	
Total Sales of Property, . . . . .	

IRISH CHURCH TEMPORALITIES COMMISSIONERS,

20th January, 1875.

NOTE.—The foregoing Accounts show (I.) the Cash transactions of The Commissioners of Church Temporalities of the Commission to 31st December, 1874. The Rentals of Tithe Rent-charge, Landed Property, Ireland, are in a forward state of preparation, but this Report is made at too early a date to admit of an Abstract

## ACCOUNTS, &amp;c.

ON CREDIT, &amp;c.)

Ca.

HEAD OF ACCOUNT.	Received in Cash.	Exchanged on Conversion or Death of Incumbent, &c.	Balance on the 31st December, 1874.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
By THREE RENT-CHARGES: Fixed Annual Instalments, . . . .	265,921 4 9	—	*7,667,873 13 2	7,933,894 17 11
By LARDED PROPERTY, &c.: Mortgage Monies, . . . . Fixed Half-yearly Instalments, . . . .	1,501 14 6 13,216 8 0	—	*350,965 3 2	567,873 8 8
By CONVERSION OF REDEMPTORY LEASEHOLDERS INTO PERPETUITIES: Mortgage Monies, . . . .	14,322 12 11	—	296,889 5 4	211,562 16 5
By GREEN-ROUSE ADVANCES, RATE BOARD OF FIRST FRUITERS: Instalments, . . . .	11,980 15 5	0,132 15 4	30 11 3	21,144 2 0
By GREEN-ROUSE MORTGAGES: Instalments, &c., . . . .	6,017 18 11	43,785 10 5	474 30 8	50,276 9 0
* These Balances of £7,937,873 13s. 2d. and £350,965 3s. 2d. include the aggregate amount of the fixed instalments which will become payable (in the manner of a terminable annuity) in redemption of purchase-money with interest for the entire period of each debt.				
	£ 263,760 17 5	44,918 14 9	7,735,712 3 8	8,184,392 12 10

## SUPPLEMENTAL STATEMENT.

BANK.		Gross Balances (Capital).
For Cash.	On Credit.	
£ s. d.	£ s. d.	£ s. d.
283,471 9 0	5,366,673 8 9	3,600,144 17 2
160,044 0 1	88,632 14 9	218,676 14 10
13,548 15 4	—	13,548 15 4
368,330 9 3	301,425 9 2	569,808 15 5
460 10 0	—	460 10 0
184,030 4 11	25,031 9 2	210,061 14 1
116,942 9 11	191,735 11 11	308,676 1 10
£ 1,096,882 18 5	5,765,935 15 2	4,811,906 9 8

A. J. PHIPPS,

Accountant to the Commissioners.

ralities in Ireland, and (II.) the extent to which Property has been sold (for Cash and on Credit), from the &c., for the year 1874, showing the Arrears due on the 31st December, 1874, by Tenants and Payees throughout Statement of them being furnished.

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